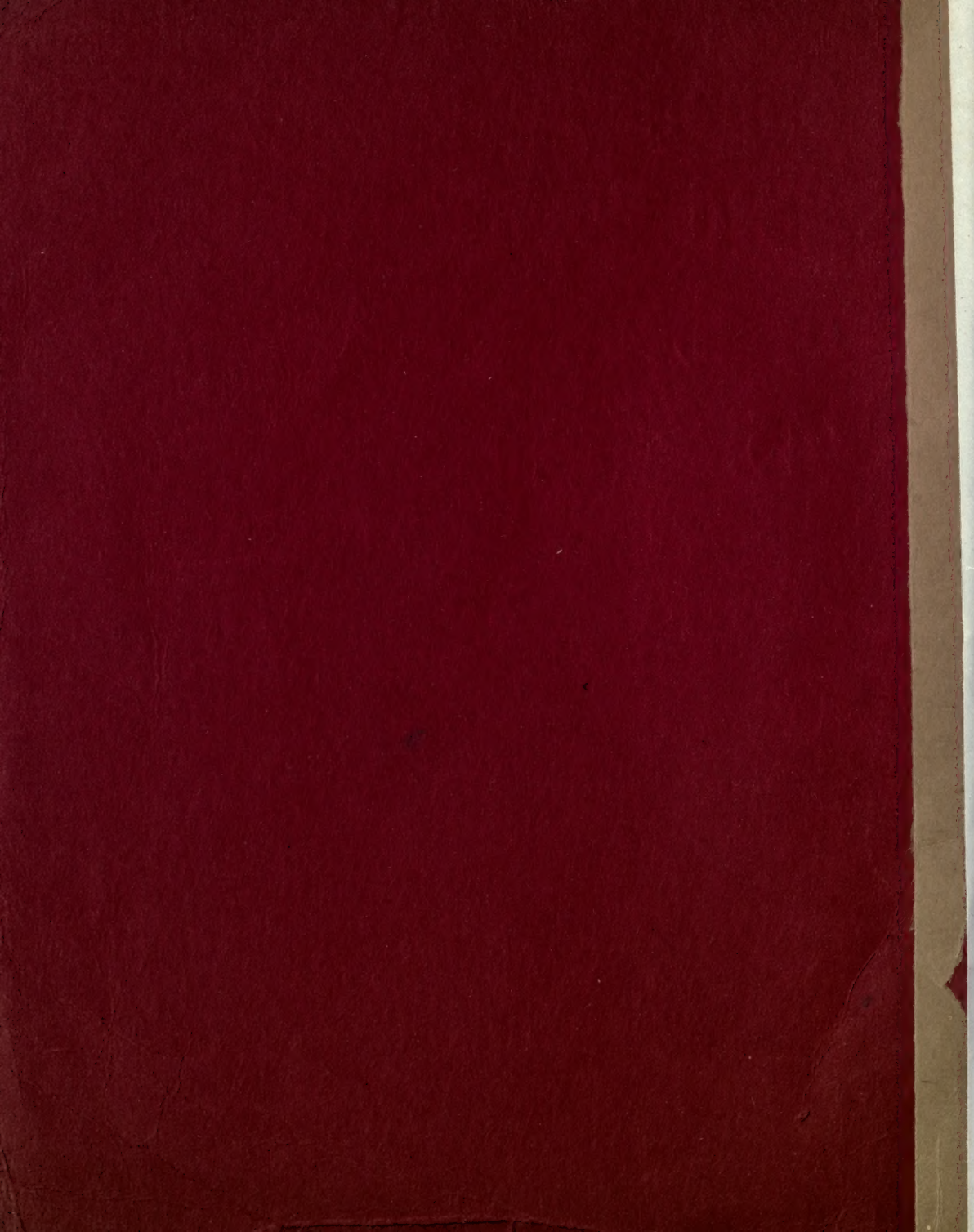


Burns, William
Simon Lord Lovat of the forty-five

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SIMON LORD LOVAT OF THE FORTY-FIVE

HAS HE BEEN DEFAMED BY HISTORY?

*An Inquiry and an Appeal for a Revised Verdict
on his Life and Character*

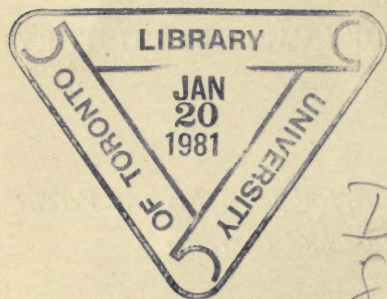
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WILLOW

WILLIAM BURNS, DRUMMONDHILL, INVERNESS

With an Appendix of Fraser Letters

Letters Reprinted from the "Inverness Courier," 1907-8

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PREFACE.

I ADOPT by way of preface a note by Mr James Barron, Editor of the "Inverness Courier," with which he introduced to his readers the first of the following letters. The note is as follows :—

"Mr William Burns, in to-day's issue, begins an interesting inquiry into the career of Simon Lord Lovat of the '45. The first letter deals with Simon's early career, and from an examination of the facts relating to the Lovat succession and the character of the judicial proceedings, Mr Burns shows that Simon was driven into desperate courses by the fraud and oppression of his enemies. He also shows that the charges made against him at this stage were not supported by evidence, that the worst accusation was departed from, and that contrary to the recognised practice the accused was condemned in absence. The object of Simon's persecutors was to secure the estates to an heiress, contrary to the nature of the fief."

In reading over the letters in their collected form, I perceive some discrepancies, but they do not affect the main argument.

SIMON LORD LOVAT of the '45

HAS HE BEEN DEFAMED
BY HISTORY?

Inverness, 14th December 1907.

Sir,—In pursuing, for a professional purpose, a minute investigation, covering a somewhat limited field in time and place, I, as it so happened, had to keep Lord Simon in my field of inquiry, as suggestions were made not only that he had helped to exile an elder brother, but engaged in a conspiracy to prove his death and forge a death register in order that he might enjoy his brother's inheritance, which was one of the greatest in the Kingdom. The particular accusations or insinuations proved untrue when confronted with the records, and I, against my prepossessions, discovered an uncomfortable feeling growing in my mind that Lord Simon might be, as Carlyle said of Cromwell, one of the outcasts of history, defamed by prejudiced or perhaps only ignorant or careless writers, and whose true character it may be our duty to restore.

The invasion of England in 1745 by the Highlanders filled the people in London with frantic terror, which was incited and inflamed by writers employed by the Government, including one of my own great literary heroes, Fielding. The result was that, after the insurrection was quelled, the terror turned to red-hot wrath. It is always so when the coward gets relieved and obtains the upper hand. He takes revenge when it is safe to take it, and the Butcher Cumberland glutted it in Scotland in the blood of the clansmen. But that was not enough

either for the Court or the Cockney. They called for visible decapitation and blood in London and defamation in the pages of history. I may seem to be using unrestrained language, but it is mild as milk compared to the volcanic words of the time. It was impossible to excite enthusiastic rage against Prince Charlie, as he was obviously within his rights in trying, if he reasonably could, to restore his family to the throne. The contest was really not personal, but between Popery and Protestantism. But with Lovat it was different. There was scope and reason to hate him and pursue him to the death. He was a Scotsman, a Highlander, did not wear trousers, was a savage, and spoke Gaelic—worse than all, it was said he was a Catholic, a Priest, and a Jesuit. Here was a fitting subject upon whom to pour out the coward wrath of the populace without fear of reprisals, and it was done physically at Tower Hill on 9th April 1747, when he was beheaded. He was then 80 years of age. At his trial he was not allowed counsel to speak for him except on points of law, and had to make his own defence, although he was unable from illness to stand without support. He could have demanded the aid of counsel in Scotland. Even Horace Walpole was shocked, and said, "It hurt everybody . . . to see an old wretch worried by the first lawyers in England without any assistance but his own unpractised defence."

The historic calumny of Lord Simon was perhaps first published, in any work of great note, by Smollett in 1758. I find, in my copy of Hume and Smollett's *History of England*, Vol. XII., n. 103, edition of 1810, that Smollett says—"Simon Fraser, Lord Lovat [was] a man of desperate enterprise, profound dissimulation, abandoned morals, and ruined fortune, who had been outlawed." This sums up concisely and completely enough the charges ever since repeated against Lord Simon. That he was a man

of enterprise, and even of "desperate enterprise," where intensity of effort was demanded, I admit. That is to his credit. "Profound dissimulation" overstates the case, but to this point I shall advert later. "Abandoned morals" is untrue, allowing for the manners of the period. "Ruined fortune" is true in a sense, but only because he was robbed by his enemies, supported by, and (improperly and contrary to all resemblance of law or justice) using the power of the Government. And this is the explanation of Simon's career. He was robbed of his patrimony and titles of honour, accused of alleged crimes, condemned to death in absence, made a fugitive and a "broken man," like Rob Roy, and ultimately compelled to flee the country, all by violence and the use of arbitrary power, and illegally, as I shall explain and prove.

The lordship or barony of Lovat was a male fief—lands and honours—that is to say, the inheritance was by males descended through males, like the Salique law of the French monarchy, and, I understand, the old Celtic tenure, although with modifications, where the sons of a dead chief were too young or otherwise unfitted for war. It so happened that sons, or grandsons, through sons, inherited for centuries, until about 1696, when Hugh, the 11th Lord Lovat, died without male issue, but leaving four daughters, the eldest named Amelia. The mother of this young lady was a daughter of the Marquis of Atholl, and a sister of Lord Tullibardine, who was at the head of the Scottish Government with practically autocratic power. If the fief was not limited to heirs male, Amelia was heiress of it. If it was a male fief, the heir of the 11th lord was his granduncle, Thomas of Beaufort, father of Simon. I may as well state here that Tullibardine denied that the fief was a male one, and that there was a great litigation about it. But it was finally decided that the fief was a male

fief, and consequently that Thomas of Beaufort was twelfth lord. He died in 1699, and Simon became thirteenth lord. It is clear, therefore, as anything can be which is established by a judgment of a Supreme Court acted upon and never challenged for 200 years, that Simon was Lord of Lovat and owner of the estates from 1699. But Tullibardine, using the power of the Crown, seized them for his niece, Miss Amelia, and kept Lord Simon out of them. Miss Amelia even assumed the title of Baroness of Lovat. But before this a queer contest began. The exact date when the 11th Lord died is not known, but it was after 26th March 1696 and before 1698, when Thomas of Beaufort was tried for treason in absence, and condemned to death, but died at Dunvegan in his bed. Between these two last-named dates Simon be- thought himself of a method of outwitting Tullibardine and getting estates and title without a lawsuit. He made successful love to Miss Amelia, and she agreed to elope with him from Castle Dounie (Beaufort), where she lived with her mother. Fraser of Teanacheil was to take her to Simon, and she got out of the Castle at night barefoot, and was flying to her lover when Teanacheil lost courage, took her back and informed her mother. This story has been challenged because Major Fraser of Castle Leather says, in his narrative, I., p. 107, that the girl was nine years of age when removed to Dunkeld; but Arnot, p. 83, says "there was no such disparity of years as to render such marriage [as was proposed] anyways absurd," and all the Memoirs, and Hill Burton, who had read the Major's manuscript, relate the story. The poor young lady was then sent off to the Atholl people at Dunkeld for safe custody. It was next planned by the young lady's Atholl relatives to marry her to a son of Lord Saltoun, who was a Fraser. The young lady, it is said, agreed, although it does not appear that she had ever seen her intended

spouse. Up to this point everyone must agree that Simon had done nothing wrong—unless engaging the young lady's affections was wrong—and had been despitefully dealt with. Lord Tullibardine was Secretary of State and Viceroy of Scotland for King William, and was the avowed enemy of the Beauforts.

The next stage of Simon's proceedings is more dubious; in fact, he at least committed an assault on a party coming from Aberdeenshire to see Miss Amelia's mother at Castle Dounie, and then proceed to Dunkeld to the wedding of the young lady and Lord Saltoun's son. The party included Lord Saltoun and Lord Mungo Murray, an uncle of Miss Amelia. When they were passing Bunchrew, Lord Simon and a portion of the Clan Fraser took them prisoners, disarmed them, and took them to the tower of Fanellan, where the two lords were confined for a week. Simon amused himself by erecting a gallows in front of the windows and pretending he was going to hang them. This was not pleasant for the prisoners, but was plainly a practical joke. The prisoners were detained for a week, and only released on Lord Saltoun giving a pledge that the marriage project was abandoned. This prank was, I believe, construable as treason under an old Act of Parliament, but was not much more inexcusable than things I have heard of an old laird of Balnagown, and it must be remembered that the two lords Saltoun and Murray were engaged in an enterprise to keep Lovat out of his rights.

The next chapter of the tale is more dubious still. Simon was accused of assembling an armed force, taking Lord Saltoun and party prisoners, &c., and also seizing Castle Dounie, which, however, was his own, and marrying the dowager lady by force. He was summoned to Edinburgh to be tried for it, but was wise enough not to put himself in the hands of his enemies. There was a mock trial in absence, and condemnation to death upon 6th September

1698. His wife or alleged wife refused to appear against him, and it appears she continued to live with him, and declined to leave him until he had to seek refuge in mountain fastnesses. What truth there is in the stories about Lord Saultoun, Lord Mungo Murray, and the Lady-Dowager of Lovat, no one can tell, as there is only the accusation made by Simon's enemies, and a mock trial in absence. The trial is reported in Hugo Arnot's book published in 1785, which Mr Kenneth Macdonald found in his library after I had exhausted all other likely local sources. Arnot, who was an authority on criminal law, says—"It was sanctioned by statute, the trial for treason could not be taken in absence; but that the whole accusation, argument, and evidence should be led in presence of the accused, and not otherwise. So anxiously did the professional lawyers adhere to this form that, as our jurisprudence admitted under certain limitations of trial after death for this heinous offence, on such occasions the bones of the deceased were dug out of the grave and formally presented in Court." But after the Covenanters were defeated in 1666 at the battle of Pentland by the ferocious and rapacious General Dalrymple of Binns, who had learned his trade in Muscovy, the Judges of the Court of Session were coerced or bribed into giving an opinion that if there could be trial after death, when the accused could not possibly attend in the flesh, there could be trial in absence although the accused was alive. This doctrine enabled the Government to condemn to death for "convocation" any men in the West they wanted to destroy, and when found they were shot without trial. When the wrong men were killed they could be included in the next trial in absence.

It was found convenient to apply this plan to Lord Simon and his followers. But it had never any decent pretence of legality. I notice that Arnot, in a note at page 81, records that General Dalrymple had a gift from the Crown of

the estate of Muir of Caldwell, who commanded the Covenanters at Pentland. It was the hangman's fee. In real truth, no law was applied in the judicial conflicts of the time. They were acts of war, and the weaker party was slain. However that may be, in the case of Lord Simon, his father, and his accused clansmen, an especial animosity was exhibited. They were not only condemned to death, the Court adjudged "their name, fame, memory, and honours to be extinct, and their arms to be riven forth and deleted out of the books of arms; so that their posterity may never have place, nor be able hereinafter to bruik or enjoy any honour, offices, titles, or dignities, and to have forefaulted all their lands, heritages, and possessions whatever." Letters of fire and sword were issued against Simon and the Clan Fraser before the trial, and on 18th February 1698, all before the trial, a commission was given to Dalrymple to seize Simon and his father and their accomplices, "and bring them in dead or alive," and to call on all sheriffs, heritors, and others to his aid with an indemnity for all slaughter, mutilation, blood, fire-raising, or other violence that might be done to the Frasers, or even anybody else who might be accidentally injured in the operations. Also letters of intercommuning were issued also before trial, making it treasonable to afford food or shelter to the Frasers, and a reward to any persons, even accomplices, "who shall bring in the said Beau-forts or any of them, dead or alive [of], the sum of two thousand merks."

The case against Simon for atrociously maltreating the Dowager Lady Lovat requires very close examination, as it is the blackest spot against his character, and unless it be wiped out one would require great hardihood to stand up for him. But it has not been sufficiently noticed by Simon's biographers or any other writer, so far as I have observed, that the lady was not examined as a witness although the

offence charged was one on which her evidence was essential, as nobody else could establish want of consent, and it is known that she was alive and able to attend the Court. And it appears from Arnot, p. 85, and the evidence in the peerage case of 1885, where the proceedings before the Court of Justiciary, including the sentence, are printed, that, as Arnot says, "On the 5th of September [1698] His Majesty's advocate proceeded in the trial, declaring that he insisted for forfeiture in absence against Captain Fraser and nineteen other gentlemen specially named; and that he restricted the libel against the defenders to treasonable rising in arms and open rebellion." In short, *the charge of injuring the lady was abandoned*. I don't see how the Lord Advocate could have done anything else, as he had included in the same indictment a charge against Master Robert Munro, minister of Abertarff, for clandestinely marrying Simon and the dowager. Arnot remarks that the case is one of the most singular in our criminal records, and "is the only case I know of since the revolution [of 1688] in which a person was tried in absence before the Court of Justiciary." There has been none since.—I am, &c.,

WILLIAM BURNS.

Inverness, 19th December 1907.

Sir,—After the capital sentence pronounced against Simon on 6th September 1698, he appears to have haunted Stratherrick and the wilder parts of the Fraser country. We know that he had confidence in Eilean Aigas, in the River Beaul, and Muily, in Glenstrathfarrar, and also the distant island in Loch-Morar, as hiding places and strongholds, although the last-named failed him at the ultimate pinch after Culloden, when he was captured there in a hollow tree with his old gouty legs wrapped in flannel. Constant attempts were made to

take him "alive or dead," and a mimic war went on between the Government forces and him for about four years, in which Simon claimed unvarying success. He was correct to this extent, that the parties sent against him failed to earn the reward offered for his capture or slaughter. In the end a small army was sent to his territory, and he went away to France in 1702. In the meantime, on 17th February 1701, about two and a-half years after the Dowager Lady Lovat had failed to appear against him as a witness for the Crown, a prosecution for the grievous wrong said to have been suffered by herself was brought in her name against him before the Court of Justiciary, and Simon was outlawed for non-appearance. Of course, if he had shown his nose in Edinburgh he would have been instantly taken and hanged under the sentence of death pronounced in 1698. Arnot mentions this outlawry in a note on page 90, but gives no particulars, so that we cannot tell how Simon got notice of the prosecution. Arnot tells us that in 1698 a "charge" against Simon and his men was left "in a cloven stick at the river side, opposite to the isle of Eagles." How the messenger-at-arms accomplished this and returned alive does not appear. A handier place for disposing of an invading Sassenach officer of the law could scarcely be imagined. This method of notification was not followed in the prosecution by the Crown of 1698. The Lord Advocate on 12th July 1698 represented to the Court that by an Act of James the Sixth summonses at the instance of the Crown "against islandmen, highlandmen, or borderers, *ubi non patet tutus accessus*, be made at the mercat cross of the head burghs of the next shires in the lowlands;" that Simon and his followers continued in arms and open rebellion, and therefore craved the Court to grant warrant for edictal citation, that is, by public notice, which was granted.—Arnot, p. 85, and Peerage Evidence of 1885, p. 106. Hence, in-

stead of risking his life to serve the indictment on Simon at Castle Dounie, Aigas, or Stratherrick, the messenger-at-arms went to Elgin, stuck a paper on the market-cross, cried Oyez three times, and perhaps blew a trumpet or cow's horn. In this manner Simon was summoned to Edinburgh under pain of outlawry if he failed to appear, and was outlawed accordingly.

The case of Simon and the dowager—supposing there was forcible marriage—is only an instance of a practice among the Celtic races of Ireland and Scotland which was common, and not entirely disapproved of by public sentiment till almost recent times. Sir Walter Scott, in the introduction to *Rob Roy*, speaks both of the practice and the popular sentiment, and says that a respectable woman above the lower rank of life reprehended himself on his taking the freedom to censure Rob Roy's sons for abducting a young widow, possessed of means, named Janet Key, from Stirlingshire, and forcibly marrying her to Rob Roy's son Robin Oig. She said "that there was no use giving a bride too much choice upon such occasions; that the marriages were the happiest lang syne which were done off-hand. Finally, she averred that her own mother had never seen her father till the night he brought her up from the Lennox, with ten head of black cattle, and there had not been a happier couple in the country." Robert Louis Stevenson, who for a lowlander, had a very intimate knowledge of the Highland character, makes Catriona, an imaginary niece of Robin Oig, say, "My uncle's marriage was a dreadful affair beyond all. Jean Kay was that woman's name; and she had me in the room with her that night at Inversnaid, the night we took her from her friends in the old ancient manner. She would and she wouldn't; she was for marrying Bob the one minute, and the next she would be for none of him. I will never have seen such a feckless creature of a woman; nearly

all there was of her would tell her ay or no. Well, she was a widow, and I can never be thinking a widow a good woman. . . . And then to marry a new man! Fy! But that was her, and she was married again on my uncle Robin, and went with him awhile to kirk and market, and then wearied, or else her friends got claught of her and talked her round, or maybe she turned ashamed; at the least of it, she ran away and went back to her own folk. . . . I have never thought much of any females since that day." I suppose the ladies will never sigh for a return of the old custom, though husbands are so scarce. Stevenson, in all probability, had reminiscences of the dowager in his mind when he expounded Catriona's sentiments. He was intimately versed in old criminal cases and Highland lore. It was not always a lady who was carried off for matrimonial purposes. Sometimes the case was reversed and a husband was captured. All who know their Walter Scott must remember the instance of "Muckle mou'd Meg," who was married to the mossrooper laird of another border clan, who was caught by her father harrying his cattle. The father had the rope ready when the guid wife called out, "Dinna thraw him awa'; he has a guid haldin in his ain place ower the border, and will do for our Meg." The lad was offered Meg or death. He ungallantly refused Meg, but the Scott laird said "he had better take a night to think on't," and put him down again in the rat-haunted dungeon. In the morning he decided for the lady—the altar or the halter was the choice—and great modern families sprang from the union. In the numerous cases where the sprightly lad of one clan met the adventurous lass of another when the chiefs were in feud, the capture of the lady was arranged; she ran to the arms of her lover.

The "marriage or no marriage" of Simon and the dowager, like many incidents of his life, had peculiar sequences. If Major Fraser of Castle

Leather may be trusted, the lady, said to have been forced to the first marriage, asked to have a second ceremony performed. The Major says, I., p. 114, "Thereafter (to my certain knowledge), whatever new light the lady had got [she], desired her husband to send for Mr William Fraser, minister of Kilmorach, in order to make a second marriage (not thinking the first valid) before a select number of gentlemen; which was accordingly done." It seems certain that Simon and the dowager never met again after 1701. Simon remained a grass widower or a bachelor till 1717, not being very sure what was his condition. In June 1716 he was contemplating, and indeed had arranged, so far as the lady and he were concerned, a matrimonial alliance with Margaret, fourth daughter of Ludovic Grant of Grant. On 28th June 1716 Simon wrote to Duncan Forbes of Culloden, afterwards Lord President of the Court of Session, and the most devoted friend man ever had, that "I spoke to the Duke [of Argyll] and my Lord Islay [his brother] about my marriage. . . . They are both fully for it, and the Duke is to speak of it and propose it to the King. But Islay desired me to write to you to know if there would be any fear of a pursuit of adherence from the other person [the dowager]. . . . But when I told him that the lady denied before the Justice Court that I had anything to do with her, and that the pretended marriage was declared null (which Islay declared should be done by the Commissaries only); yet when I told him that the minister and witnesses were all dead who were at the pretended marriage, he was satisfied they could make nothing of it, though they would endeavour it"—Culloden papers, p. 56. On 23rd July 1716 the Duke of Argyll wrote to Colonel William Grant, speaking most highly of Simon, and entreating the Colonel's interest to bring about the marriage—Culloden papers, p. 59. Simon, certainly, and, apparently, the dowager,

were desirous in 1717 that oblivion should submerge the tale of 1698, and it did not, as things happened, create further trouble. But Islay was right. The dowager was wrongly advised, as she seems to have been, that the judgment of 1701 against Simon annulled the marriage. The Justiciary Court had no jurisdiction in marriage questions, and, if Major Fraser was not romancing, there was a marriage which could have been easily proved, and could not have been annulled by any Court, and never was annulled. It may be permitted to us to speculate on the consequences if the law had not been ignored—now that it can affect no present or future interest. The dowager lived till 1743. Hence if she was Simon's lawful wife, as is not doubtful, if the Major speaks truly, none of Simon's sons were legitimate, and the Inverallochie family should have come in on Simon's execution, as the male line was then extinct. But the main lines of Inverallochie and Brae being both now exhausted, the Strichen branch rightly came in later, and on every theory rightly holds lands and honours to-day.—I am, &c.,

WILLIAM BURNS.

Inverness, 23rd December 1907.

Sir,—Into my last letter I tried to infuse some gleams of gaiety, as the gross bulk of the tale is so cast in shadow and verges so closely on tragedy, that the mind calls out for some relief from the pervading gloom. I here return to the severe historic page. It must be obvious to my readers, as I am myself conscious, that if I am even partially to attain success in this adventure, I must at the outset plant my foot upon a sure foundation. I must establish, and I freely make and accept the challenge, that Simon in his young manhood, when courage and hope are high, blood is hot, and suffered wrong “doth work like madness in the brain,” was one

of the most ill-used men in the world. And to accomplish this, I must unearth some legal lore which I trust may not prove too tiresome.

From 1539 the Lovat succession had been destined by all the Royal Charters renewing the investiture to lord after lord to heirs male. Be it understood that this was not an act of caprice on the part of the Sovereign, but a result of a resolution confirmed from generation to generation on the part of the Lovat family, because in practice the family lawyers prepared the charters and submitted them in draft to the Crown Chancery, with a petition that they should be granted or passed. It was eminently reasonable that the lands should go with the title, because a landless lord was an anomaly in ancient Scottish story; it was equally desirable that the title should be held by a male who could attend in Parliament; and more than all, a male was needed to hold the office of chief of the great and famous clan. I grow pale at the thought that the two-handed sword of Sir Simon Fraser of the War of Independence should have fallen into the hands of a girl. But at all events it was ultimately and finally decided, but only in 1730, that the estates and honours belonged to Simon. It must be here noticed that he was entitled to them on the death of his father, Thomas of Beaufort, in 1699, so that his title was wrongfully denied for thirty-one years. He got possession, as I shall afterwards explain, in 1716, but for seventeen years he was deprived of lands and title by violence, injustice, and fraud, was outlawed and condemned to death, hunted on the mountains, driven out of the country, and imprisoned. That was not an experience to sweeten a man's temper or soften his character. It might be asked why did not Simon apply to the Courts of Law for redress or protection. The answer is easy. For three good and sufficient reasons. First, he was condemned to death, and certain to be hanged if he ventured within reach

of the arm of the law. This held till 1700, when he was pardoned by William of Orange of treason and other charges at the instance of the Crown, but not of the charge in name of the dowager, which was a private wrong. Second, he was under outlawry; and third, when he proposed to attend at Edinburgh to face his accusers, and indeed went there, he was warned that the judges had been suborned by his enemies, and were to hang him. All the forces of iniquity in form of law had been let loose upon him.

I may as well here dispose of the legal question regarding the title to the lordship, which is rather an obstruction to the narrative. I had the good fortune to receive on loan from my good friend Mr Alex. Mitchell, author of the "Inverness Kirk-Session Records," a small volume with the original prints in the case between Lord Simon and Mackenzie of Fraserdale or his son regarding the peerage. It is a perfect dungeon of learning on Scottish peerage law and custom. The result was that, on 3rd July 1730, the Court of Session "decerned and declared the title, dignity, and honours of Lord Fraser of Lovat to pertain and belong to the said Simon Lord Fraser of Lovat, pursuer, as eldest lawful son of Thomas [of Beaufort], Lord Fraser of Lovat, his father, who was grand-uncle to Hugh Lord Fraser of Lovat, deceased father of the said Mrs Emilia Fraser [the heiress who did not manage to elope with Simon], and grandfather of the said Hugh Mackenzie, defender; and consequently as heir-male of the family of Lord Fraser of Lovat, to whom the said dignity does descend."—John Anderson's *Family of Fraser*, p. 142. Anderson says—"This judgment, though a correct one, was given by an incompetent Court." Hill Burton followed him, and so, of course, did Mr Alexander Mackenzie in his *History of the Frasers*. The point is only now of interest with respect to the history of our institutions, but in my view they were all wrong.

Not only was the judgment right, but the Court possessed ample jurisdiction in Scottish peerage questions, and had always exercised it. Lords Mansfield and Roslyn, although both Scotsmen, were ignorant of Scottish history, and misled the House of Lords in a later time. There was, in fact, no House of Lords in Scotland, peers, representatives of counties and burghs, all forming one House. Mr Riddell, advocate, in a work on peerage law, published in 1842, puts the matter right. He is a most angular and spluttery writer, but most deeply learned. The Lovat case is one of his favourite instances. He tells us, Vol. II., p. 372, note 3, upon information derived from private sources, that the judges were divided in the Lovat case. "Of the fifteen judges eight were for the heir-male [Simon], the remainder either for the heir-female or did not vote in their uncertainty." But Riddell held strong opinions in favour of heirs-female. The judgment in favour of Simon has never been impugned by lawyers.

I now return to personal history, although it is impossible to get far away from law and law books in the tale of Simon, who, after 1716, was overwhelmed in lawsuits till his end. The Atholl family had designed to marry Miss Amelia, daughter of the eleventh lord, to a son of their own house, but they saw that scheme would cause a storm of opposition in the clan; next, as I have mentioned, they devised an alliance with the heir of Lord Saltoun, but that having been frustrated, they did arrange a marriage with Alexander Mackenzie, son of Roderick Mackenzie, a judge of the Court of Session, under the title of Lord Prestonhall. Miss Amelia did really get married this time in 1702, I think, and assumed the title of Baroness of Lovat. Her husband called himself Mackenzie of Fraserdale, a place name I fancy invented by himself or his friends to signify the Fraser country.

Now began a most ingenious piece of villainy to possess Mackenzie of the title and estates of Lovat, which had success till after 1715, when he backed the wrong horse, and joined Mar's rebellion of 1715. To capture the title it was averred that the lordship came from the Bissets, whose daughter and only child married Fraser the first, and the title therefore descended to heirs-female (which was a pure invention). Hence Miss Amelia, now wife of Prestonhall's son, was Baroness of Lovat, and Mackenzie (Fraserdale) assumed the title of Lord Lovat, but probably only by courtesy. Then to secure legal possession of the estates, already held by violence, Prestonhall purchased an apprising against the estates for £1000 Scots. This was a paltry debt of a previous lord charged on the property, something like a bond, in 1669. The amount in sterling money was £83 6s 8d. And for this small sum Prestonhall seized the magnificent Lovat territory, which was greater than it is now, and kept it. Is it possible to exaggerate the passionate wrath which must have inflamed Simon when he heard of this iniquity? When Prestonhall thought title and estate had thus been secured, he executed an entail upon the heirs of the marriage between his son and Miss Amelia Fraser, whom he styled Lady Lovat, her eldest son being called Master of Lovat. In this way were both the title and estates enjoyed during Simon's exile—Anderson, p. 137. I imagine the case, that some one may say that Lord Simon's name has been so dragged through the mire that any attempt to whiten it now is vain; but what would my imagined friend say if, without reason or cause, his very name was stolen from him, his house, which cost him £500, was permanently seized for a doubtful debt of his grandfather for half-a-crown, he was condemned to death, and his name and fame ordered to be riven out of the records of his race? Is his vocabulary adequate to express what his feel-

ings would be? Perhaps it might be faintly done in Gaelic, where, I understand, there are fields of vituperation not so well cultivated in other modern tongues. My English shrinks from the task, although I could supplement it with some Scotch words and phrases of extreme virility.

I design by-and-by to dilate with some insistence on the fact that an intense consciousness of injustice and oppression tends to warp the firmest and best balanced mind, but meantime I only allude to it in bringing forward some part of the narrative of the attempt to obliterate the Clan Fraser, as was actually done with the Macgregors. Whatever may be said or believed about Lord Simon on other matters, it is abundantly clear to me, from his whole life and correspondence, that on one he was genuinely and even passionately honest and true. He was a clansman to the marrow of his bones. Of course he was the Chief, and expected and demanded, and almost invariably received, absolute and unquestioning obedience. The time for that system has passed away, but in its time it had its uses and merits, and perhaps the somewhat faint emotion we call loyalty is a survival which I hope most of us cherish. There are two letters of Simon which prove his devotion to the clan in an interesting and even affecting way, which I shall probably refer to again, and there is a clan protest addressed to Lord Saltoun about the time of the proposed marriage of Miss Amelia, against the suspected proposal to destroy the clan name and fame, and rive their memory and honours out of the books, &c., but I think I can more impressively reproduce here a memorial from the clan to the Court of Session, taken from Mr Mitchell's little book of the proceedings in the case which ended in 1730, and a deed annexed. They are perfectly lucid, and need no explanation. Fraserdale meant the extinction of the Fraser

clan in Inverness-shire, if it could be accomplished. Here are the documents:—

August 20, 1729.

Memorial for those of the Sirname of Fraser.

Mr Roderick Mackenzie of Prestonhall, having framed a design of possessing himself of the estate of Lovat, married his son to the eldest daughter of the late Lord Lovat; and that he might engage that numerous clan of the Frasers to his interest, he gave it out, that his intention was by such marriage to preserve the name and family of Lord Fraser of Lovat; and for that purpose he caused his daughter-in-law assume the title of Lady Baroness of Lovat, and her eldest son that of Hugh Master of Lovat, and in his Tailzie [Entail] of the estate of Lovat, he bound them and their descendants to bear the name of Fraser of Lovat, and carry the arms of that family, under the penalty of losing their right to the estate if they did otherwise.

But as his intention went no further than to amuse them, till he should find a fit opportunity of extirpating that family and clan, so as not to leave a remnant of the Frasers in that country; he reserved by the Tailzie a power to himself to make such alterations and additions as he thought fit; accordingly, he made a deed, of which the underwritten is a true copy, and the original was lately found, and is now in the hands of Simon Lord Fraser of Lovat, that shews the utmost disregard to the family of Fraser of Lovat, and a plain but sly contrivance of sinking the Frasers into the Mackenzies, by encouraging and inviting his heirs of entail to change the sirname and arms from Fraser to Mackenzie; and that the old family of Frasers might never revive, he provides as a condition to their titles to the estate That if they should return to, and reassume the sirname and arms of Fraser, that then they should lose their right to the estates.

From this it is observable, That Prestonhall had the name and honours of Lord Fraser of Lovat and the whole family of Frasers in the utmost contempt, and that he judged whatever he could do to purchase the estate and honours to his own family, would not be available against an Heir-male claiming, he chose therefore this way of extinguishing that name and family.

Deed by Mr Roderick Mackenzie of Prestonhall for extinguishing the name and family of Fraser.

Be it known to all men by thir presents me, Mr Roderick Mackenzie of Prestonhall, one of the Senators of the College of Justice; Forasmuch as I did make a Disposition of Tailzie of the lands lordships and others of the estate of Lovat, and other rights thereto belonging, of date of 9th day of February 1706 years, registrate in the register of Tailzies at Edinburgh the 27th day of February the said year, to and in favours of Alexander Mackenzie, my son, and Hugh Master of Lovat, son to the said Alexander Mackenzie, in Fie and Liferent, with reservations, conditions and limitations at length therein contained, and particularly with a reservation to myself, at any time in my life, to alter the same, to sell, analzie, or dispone upon the said lands and rights, in whole or in part, at my pleasure, which disposition does contain several limitations and irritancies, and particularly that the said Hugh Master of Lovat, my grand-child and his heirs of Tailzie, should bear the sirname and arms of Fraser, and coat of arms therein mentioned, in a quartered shield, carrying three Freses or Strawberry leaves in the first quarter, by the name of Fraser, and one Hart-head in the second quarter by the name of Mackenzie, three Legs in the head quarter by the name of Macleod of Lews, and three Crowns in the fourth quarter by the name of Bisset, and that under the

penalty of losing their right of succession to the lands and rights disponed, in case they or any of the said heirs of Tailzie should not bear the said surname of Fraser, or alter the said arms; yet nevertheless, by virtue of the power reserved to me by my said Disposition and Tailzie, for certain motives and good considerations moving me; Wit ye me be thir presents, to grant full power and warrant to the said Hugh Master of Lovat himself, or to any of his heirs of Tailzie, if they shall think fit, IN PLACE OF THE SURNAM OF FRASER TO CARRY THE SURNAM OF MACKENZIE, and to alter the said coat of arms by carrying the deer's head in the first quarter and the three Freſes or Strawberry leaves only in the second quarter, and that without any hazard, danger or prejudice of incurring the irritancies contained in the foresaid Disposition of Tailzie, which are hereby taken off, in so far as concerns the alteration of the name and arms above specified, but prejudice to the provisions of Tailzie and other clauses whatsoever contained in the foresaid Disposition, and the clauses irritant adjected to them; which are hereby no ways to be prejudged, but expressly ratified and approven; With provision and condition also that the said surname and arms being once altered, and recorded so in the books of Heraldry, or in the Lord Lyon's office, that it shall not be in the power of the said heir of Tailzie who alters the same or assumes the surname of Mackenzie, ever thereafter to return to the surname of Fraser and their former Bearing under the hazard of the irritancies and penalty contained in the foresaid Disposition of Tailzie, which, *brevitatis causa*, are here holden as repeated; and for the more security I am content, and consents, that thir presents be insert and registrate in the books of Council and Session, or in the Lord Lyon's register, as shall be judged most convenient; and constitutes my Procurators for that effect. In Witness Whereof I have written

and subscribed thir presents at Edinburgh 23rd day of February 1706 years before these witnesses Kenneth Mackenzie and Donald Merchison my servants.

ROD. MACKENZIE.

Ken. Mackenzie, Witness.

Don. Merchison, Witness.

I wonder if the second witness was the Donald Murchison who collected the Seaforth rents during the forfeiture?—I am, &c.,

WILLIAM BURNS.

Inverness 30th December 1907.

Sir,—Lord Simon escaped to France in 1701 or 1702. From that time till 1714 or 1715, a period of about thirteen years, there exist no records of his doings on which we can safely rely. After 1745 Simon became for years one of the most talked of figures in contemporary European story. After Prince Charles Edward, the young Pretender, escaped from the Highlands, and the leaders of the rebellion first captured were beheaded, the interest was concentrated on Simon, who was the last of the great rebels to be captured. His trial by the House of Lords, on impeachment by the House of Commons, was one of the most imposing exhibitions of judicial procedure ever seen. All the peers and all the judges were ordered and compelled to attend. It took place in Westminster Hall, which was specially fitted up for the occasion, and lasted from 9th to 19th March 1747. From the trial of Charles the First to that of Warren Hastings there was no such solemn ceremonial. Let us here note some important dates. Culloden was lost and won on 16th April 1746, Simon was captured in the island in Loch-Morar in June 1746, condemned to death on 19th March 1747, and beheaded on 9th April 1747. In 1746 London was flooded with me-

moirs of Simon, running from eighty to one hundred and twenty pages, and priced from sixpence to eighteen-pence. Interest in my inquiry has drawn temporarily to my library many books, to the lenders of which I now publicly tender my thanks. Lady Lovat, Dr Alexander Ross, Mr William Mackay, and Mr Kenneth Macdonald have been especially helpful. You, sir, also have contributed not only literature but aid and encouragement. And I have found in the Inverness Public Library a very excellent collection of works relating to the rebellions of 1715 and 1745. I did intend to condemn the Library Committee for neglecting to collect books dealing with local history, but I found I was wrong, and I owe apologies to the committee and to the librarian, who has been very courteous to me, for some hasty and ill-informed mental criticisms which were happily not spread abroad. The result is that I probably have before me now, sometimes in several copies, all the memoirs and lives of Simon known to exist. They appear to be all expansions of a "Life of Lord Lovat," ninety-eight octavo pages in length, which bears to have been printed for C. Whitefield in White-Fryers, Fleet Street, in 1746. One of these slim volumes, entitled *Memoirs of the Life of Lord Lovat*, which seems to have been widely dispersed, as I have been favoured with several copies of it, was printed for Mrs Cooper at the Globe in Paternoster Row in 1746. The author boldly annexes the Whitefriars book, but puts in front of it twelve pages of Fraser genealogy copied from other sources. This author having treated Simon with much severity, another writer replied with "A free examination of a modern romance, entitled memoirs of the Life of Lord Lovat, wherein the character of that nobleman is set in its true light, and vindicated." This volume bears to have been printed for W. Webb near St Pauls in 1746. Colonel Ferguson, editor of Major Fraser's manuscript, says, Vol. I.,

p. 11, that this tract is now very rare. But fortunately Dr Alexander Ross possesses a copy of this now very valuable little book, and it is before me. The author violently assails the writer of the memoir printed at the Globe for mendaciously maligning Simon, and asserts that the author wrote his lies "without doubt to spin his subject in order to swell his book to eighteen pennyworth" (p. 53). There is another little book (and here I quote verbatim from Colonel Ferguson, Vol. I., p. 13) entitled "Genuine Memoirs of the Life of Simon Lord Fraser of Lovat." London. Printed for M. Cooper at the Globe in Paternoster Row 1746, a brochure of forty pages—one of those put out while Lovat was a prisoner in the Tower awaiting trial. It is a well written, clear defence of him and his life by a partisan skilful to show every doubtful point in his career in the manner most favourable to his hero. He protests eloquently against the "Torrent of Insult and Abuse," and of Lies, Fables, and Romances that are made use of to make the miserable old man a Monster: a Shame to his Country, a Dishonour to his Family; nay, a discredit to his Species: the subject of Pamphlets and the Talk of Coffee-houses." Colonel Ferguson notes (p. 16) that this tract is not to be found in the British Museum, Advocates' or Bodleian Library. Mr William Mackay has kindly lent me a copy of which he is the fortunate possessor. I may as well, before leaving the subject of the Memoirs, note here that the Memoirs referred to by Colonel Ferguson on page 14 as having been "Printed for George Begg, Merchant in Montrose 1767. Price one shilling and threepence the fine, and one shilling the course (sic) Copy," is plainly a reprint, page for page, of the "M. Cooper" memoirs of 1746, and the date 1767 is probably accurate enough, although the Colonel's inference that it was a misprint for 1747 was justifiable on the assumption that the Montrose book was an original. It also was not to be

found in any one of the three famous libraries mentioned by him, but that is not more remarkable than the probable absence of the reprint made at the "Courier" office a few years ago for Mr Peter Fraser, stationer, Beaulieu. I fear this discourse on books may prove as unenlivening to read as it is wearisome to write, and I shall cut it short by disposing of the two largest volumes with perhaps undue brevity. With regard to the first volume, I cannot improve on Hill Burton. He says—"During the time of his [Simon's] impeachment, the wonder-loving world of London were supplied three times a week, in halfpenny numbers, with 'The Life, Adventures, and many and great Vicissitudes of Fortune of Simon Lord Fraser of Lovat, from his Birth at Beaufort, in Scotland, in 1668, to the time of his being taken by Captain Millar, after Three Days' Search, in a Hollow Tree.'" This narrative, now very rare in its original form, was thought worthy of being reprinted in octavo as the work of "The Reverend Archibald Arbuthnot, Minister of Kiltarlity, in the Presbytery of Inverness." This book, on which little or no dependence can be placed, is a forgery—that is to say, it was never written by a minister of Kiltarlity, a circumstance proved by many pieces of internal evidence, of which one shall suffice. When describing Simon's imprisonment of the Dowager Lady Lovat, in the island of Aigas, the author says, "Having mounted her upon a pad of her own, and himself upon a stout horse, with only one servant to attend em, they rode away towards *the sea side*; where, having disposed of his horses, he took boat, which carried him, his lady and servant, to a little obscure island called Aigis." Now, not only is Aigas an island in a river, at some distance from the sea, but it is the most conspicuous object in that parish of Kiltarlity, of which the person who thus describes it as an island out at sea is called "the minister." This criticism is conclu-

sive, but I have perused the book, and it is perfectly plain how it was manufactured. The writer took the Cooper Memoirs, and enlarged them in the form of a romance or novel. He incorporates almost every sentence of the original and inserts long speeches. For example, when Simon waylays Lord Saltoun and Lord Mungo Murray in the wood of Bunchrew, he addresses his Gaelic-speaking ragamuffins as the historians represent the Roman generals exhorting their armies before a battle. He says (p. 29), "Friends, countrymen, and let me add (since the occasion may require it), fellow soldiers, I need not tell you, since you are already acquainted with the important reason that induced me to bring you to this place. I am truly sensible of your friendship and thankfully acknowledge your readiness to assist me in this just and honourable enterprise; the intent of which is to frustrate a match, which, if it be accomplished, will for ever deprive me of a young lady on whom I have so deeply fixed my affections, that my parting from her would be like the separation of my soul and body," and so on for two pages, all quoted. Then speeches by Simon and the Dowager in the privacy of their own chamber are reported as if they had employed a shorthand writer to record their expressions of reconciliation and affection. The whole book is a travesty, and must be thrown aside. But it must have had vogue in its day, as it was translated into German, and published, with an engraving of Hogarth's drawing, at Hamburg in 1747. There is a copy at Beaufort. There was no minister of Kiltarlity bearing the name of the pretended author, Archibald Arbuthnot. It is not so easy to resolve upon the authenticity of another work, called "Memoirs of the Life of Simon Lord Lovat, written by himself in the French Language, and now first Translated from the Original Manuscript." It was published in London in 1797, and there is a copy in the Inverness

Public Library. Hill Burton says that this book is not to be implicitly relied on; but it is one from which truths may, by a certain process, be extracted. It is a sort of *ignis fatuus*, leading hopelessly astray, if its character is mistaken; but serving to those who know its real nature to indicate the true character of the spot, and to warn the traveller of the precarious nature of the ground. The language and sentiments at once testify to the authenticity of the book, and there are some expressions, such as the use of the term "Royal University of Aberdeen," to express the King's Colleges there, which indicate that it is a translation. The internal evidence of the genuineness of this book was confirmed to Burton by the Reverend Alexander Fraser of Kirkhill, to whose great-grandfather, the Rev. David (?Donald) Fraser, the original manuscript was committed. On 1st May 1886 the late Rev. Hector Fraser, Halkirk, a brother of Alexander Fraser of Kirkhill, in writing to Mr William Mackay with some Lovat letters which were published in the Transactions of the Gaelic Society of Inverness, Vol. 13, p. 135, said that his great-grandfather, who had been tutor to Simon's sons, took a journey to London to see Simon before he was beheaded, and Simon then gave him a *history of the Frasers* written by himself, asking him to publish it after his death. This does not quite tally with the statement to Burton which referred to a life of Simon. Nor is it explained why the work was not published for fifty years. Alexander Fraser spoke apparently of the "original manuscript." But that was in French, and it is very unlikely that Simon would have translated it himself. Besides, I am now pretty familiar with Simon's English style, which bears no resemblance to the English of the life. I am certain he never wrote it; and I doubt if a French original ever existed. Obviously, Hill Burton had not seen a copy, and I have as yet been unable to hear

of one. *Memoirs de la Vie du Lord Lovat* were published in Amsterdam in 1747, but this is a mere translation of one of the *London Memoirs* of 1746. Hill Burton was doubtless tempted to use the *Life* of 1797, from the absence of other materials, and the same difficulty besets me now, but I must attempt to give some account, even if it be more or less conjectural, of the French episode, as it had a most important bearing on Simon's future. But I would not hang a cat on all the evidence afforded by the *Memoirs and Lives*.—I am, &c.,

WILLIAM BURNS.

Inverness, 1st January 1908.

✓ Sir,—The authenticity or not of the *Life* of Lord Lovat, said to have been written by himself, being one of the crucial points in this story, I am not justified in refraining from examining the statements made by the Rev. Alexander Fraser of Kirkhill to Hill Burton sixty years ago, and by the Rev. Hector Fraser of Halkirk, twenty-two years ago, to Mr William Mackay, although this impedes the course of the narrative. Each of the reverend gentlemen said that Lord Lovat, before his execution, had entrusted a manuscript, called by one a *life* of Simon, and by the other a *history* of the Frasers to their great-grandfather the Rev. Donald Fraser, who was minister of Killearnan. This story, whether told of a *life* of Simon or a *history* of the Frasers, is an example of the growth of a myth, and it crumbles utterly into dust when confronted with the records and contemporary history. No doubt the two ministers of Kirkhill and Halkirk had heard of their great-grandfather going to London to Simon's trial, and they, or one of them, possessed letters of Simon to their ancestor, and some of the family had suggested or concluded that the *life* of Simon

published in 1797 must have been given by Simon in London to the great-grandfather.

This tradition was handed down from one member of the family to another, and came to be a belief. But it may, with confidence, be pronounced to be no more true than the myths which have floated claimants to disaster and ruin. For Simon was living at Gorthlick at the time when Culloden was fought, and Prince Charles visited him there the night of the battle. I think Mackenzie (p. 431 and note) is clearly right about this, and that Simon was not and did not go to Castle Douny. He went to Muily, in Glenstrathfarrar, and on his way saw Castle Douny in flames, the Duke of Cumberland having sent a force under General Mordaunt to plunder and destroy the Fraser country from Guisachan to the sea. Hence, the supposed manuscript was not taken by Simon from Castle Douny. Simon finding Muily insecure, although he had boasted that not all King George's troops could touch him there, was carried to the island in Loch Morar, where he was captured by a party from the Government war-sloop *The Furnace* on 7th June 1747. From Muily the old man had been carried by devoted clansmen for more than 70 miles over the hills, because he could not walk a step.

When captured Lovat was stripped of all his possessions. These included a box containing the papers he had taken with him in his flight, and, he said, 700 louis d'ors, or, say, sovereigns. This box made a figure in Simon's trial. David Campbell, one of the witnesses (p. 129 of the report of the trial), was at Simon's capture, and at the opening of the box, and took an inventory of the papers found in it. There was the fatal letter from Simon's eldest son, who was, against his will, sent out with the clan. In this letter the son, afterwards General Simon to whom the estates were restored, with a wisdom beyond his twenty years, advised his father "not to lose on both sides," but to declare himself for and stick

to one. Campbell's evidence about the finding of this letter, and what he and Simon said about it when the box was opened, is most interesting, and I go somewhat out of my way to quote it (p. 130). Campbell said, in answer to a question, "I read over that letter. My Lord Lovat at first had said to us that we should not find, among those papers that we were examining, any matters of disloyalty or correspondence with the rebels; and I expected it was so; but this letter, seeming to be a correspondence with the rebels, I said to my Lord Lovat, after I had read the letter, I think your Lordship had better not have hid this letter here. My Lord said, I was right, and he thought so, too; or to that purpose."

It is clear from the evidence that all the papers Simon had with him were taken from him, and there is no mention of a life or history. He was carried by Fort-William, Fort-Augustus, Stirling, and Berwick to the Tower of London, under very strict guard, and when in the Tower nobody was allowed access to him except his gaolers. On 18th December 1746, after the articles of impeachment had been intimated, the lords made an order (p. 3) "that no person shall have access to him [Simon] without leave of the House." On 13th January 1747, upon a petition from Simon, William Fraser, Writer to the Signet, his principal legal agent, was permitted by special order to have access to Simon between 10 and 4 o'clock in the day, in the presence of an officer of the Tower. Plainly, nobody but his counsel and legal agents, named by order of the House of Lords, was permitted to see him. But there are traces of the minister of Killearnan. Simon petitioned the House several times to have his trial delayed, as he was in no hurry to lose his life. On 2nd March 1747 (p. 6) he stated that the Rev. Mr Donald Fraser, minister of Killearnan, and various other witnesses whom he had summoned for his defence, absolutely re-

fused to attend. But next day the agent, Wm. Fraser, made a deposition (p. 8), "That last night he received advice from Edinburgh that Thomas Fraser of Struy and Mr Donald Fraser, two of the witnesses summoned on the behalf of Lord Lovat, are now upon the road, and will be here by Saturday or Monday next." And the trial was put off till Monday. Hence it is likely that the minister did go to London, but without access to Simon. Lord Lovat did not call any witnesses (p. 165), and hence Mr Donald Fraser was not examined. It is certain that he had no meeting with Lord Lovat until the sentence, so that he could not before then have received any manuscript from him, and it is equally certain that Simon had none to give him. I have no doubt he would be allowed to visit Simon after the judgment, as twenty-one days were allowed, as now, between sentence and execution, but Simon had no papers. The whole manuscript story is impossible, and hence the reverend Frasers must be struck out of the witnesses for it, as believers in a myth, and without reflection on their personal veracity. The Rev. Donald Fraser, of the Free High Church, Inverness, was a great-great-grandson of the Killearnan minister.

I have read somewhere that the object of the French life, which is full of adulation of the French King, some of his ministers and the papal Nuncio, as well as hearty denunciation of the Earl of Middleton, chief adviser of the Court of St Germain, was to gain support from Louis Fourteenth, as well as defend Simon against his enemies, but this purpose required publication of the book in France at the time Simon was there, of which, as I have said, we have no evidence. And the writer of the Life we have in English says, at p. 358, that he only intended to write a cursory history of a few years of the life of Lord Lovat, "a work I thought myself obliged, as his relation and intimate friend, to undertake for his justification."

This may only have been put in the book for mystification, but it tends to discredit the view that Simon himself was the author. My present impression is that the *Life* was written about the time it was published in 1797, and that the author was a hack writer trying to earn a penny, honest or otherwise, who had gathered from all sources all the tales he could learn about Simon's sojourn in France. It is obvious that this book and the so-called *London Memoirs* of 1746 are an extremely unsafe foundation upon which to construct an estimate of Simon's character.

This argument has taken so long that I must postpone an account of Simon's experiences in France to the next letter, and, to conclude with, I give a letter with an instance of marriage by capture of an Inverness maiden by a Stratherrick blade. I did not know of this letter when I was writing of the alleged forced marriage by Simon of the Dowager. I take it from a paper by the late Lochiel which was read to the Gaelic Society of Inverness on 21st April 1886—*Transactions*, Vol. XII., p. 370. The letters referred to in Lochiel's paper are all from Simon to Lochiel of the '45. The paper bears—"There is also a very curious letter illustrative of the times which relates to the abduction of a young woman. After congratulations on Lochiel's safe arrival at Achnacarry, after a somewhat arduous journey from Edinburgh, and a reference to a dispute with Glengarry, Lord Lovat [who was, I think, Sheriff at the time] proceeds to give an account of the affair as follows:—

A young lad, a merchant in Inverness, a gentleman's son of Foyers' family, having made proposals of marriage to the only daughter of the deceased Bailie William Fraser, who is provided to a considerable portion, he got such encouragement and hopes of success from the girl, the mother, and her brother, that he made the

thing known to his friends as a concluded match. But soon thereafter, upon some private reasons, all the three struck out from the bargain, and would not hear of it. Upon this the lad applied to his friends, and particularly to Gortuleg, to solicit for him, who engaged me to do the same by letters. But all we would do in the affair was to no purpose. At last the mad lad, having persuaded his friends in Stratherrick that he had engaged the girl's affections, and that it was only owing to her mother and brother that she did not declare for him, he prevailed with all the gentlemen of Foyers' family to undertake the carrying her off from her mother's house, and which, accordingly, he and they execute about 8 o'clock on Saturday night in a forcible and desperate way, against the girl's own will, and carried her to Stratherrick, where, in spite of all that can be done, they still detain her, in order to force her to marry this fellow. Upon my having notice of it, from Inverness on Sunday night, and that it was done so barbarously, against the girl's consent, I sent my chamberlain to Inverness on Monday morning with letters to some of the Magistrates and my friends in town to have their advice what I would do in the matter, but before he reached Inverness I had a most clamorous letter from the Magistrates, who have taken this up as a most terrible insult upon them and their borough, informing me of the whole affair, and begging a warrand and orders to rescue the girl from the hands of these people. This request I immediately granted, and sent my secretary by three o'clock to Inverness Tuesday morning to wait on the Magistrates, and show them my written orders and warrand to Balnain and Belloan for sending back the girl to Inverness, which he accordingly did, and then delivered the same to Belloan, who was at Inverness, and went straight to Stratherrick to put it in execution. I at same time sent a double of this order by express to

Gortuleg, who is in Badenoch, and dispatched a trusty domestick to Stratherrick with a general order to all the gentlemen of the county to concur, and exert themselves in bringing back the girl to Inverness, and have last night sent the same orders again to them for this purpose. But all this had no effect, so mad and infatuate are all those that have dypt in this cursed affair that I am just now informed by express that they have carried the girl to Fort-Augustus to have the marriage compleated there by the Chaplain of the Regiment in that place, so that in spite of all that I can do, without making my clan enter in blood among themselves, these unhappy gentlemen have ruined themselves inevitably, for that little insolent upstart, the Provost of Inverness, who would wish to see me and all my people at the Devill, will prosecute every man for their lives that have been active in this desperate affair, and all my enemies in Inverness and elsewhere will be found to support him in it, and endeavour to give hurtful impressions of me and my people to the whole kingdom. As it is an affair of the last consequence to me and my people, I shall let you know afterwards what will become of it. But the history was not further told.—
I am, &c.,

WILLIAM BURNS.

Inverness, 6th January 1908.

Sir,—Lord Lovat had some chance for his life whilst William of Orange reigned, but William died on 8th March 1702, and was succeeded by Queen Anne. Then the Atholl family became all-powerful in Scotland, and Argyll could no longer protect Lovat, as he had hitherto striven to do, the Clans Campbell and Fraser having long been allies. It was part of the policy of the Argylls to prevent the power of the Atholl family and the Perthshire Murrays from attaining an overshadowing height in the Highlands,

and an understanding with the Frasers was the best possible means of keeping that power in check.

Lord Lovat reached France in July 1702. His purpose was to procure, if possible, the support of the exiled Stuart family. James the Second had died ten months before, and his son James Francis Edward was only fourteen years old. The acting head of the family was the exiled Queen Mary of Modena, described by historians as a pious princess, and who was not likely to favour a man like Lovat, who had been seriously accused of a grave offence against one of her own sex, and had been outlawed and condemned for a crime not political. Lord Lovat was in desperate straits. His enemies had deprived him of his honours and lands, and, what he valued most of all, the headship of his clan; and they had sought, and still sought, his life, and used all the power of the Crown to accomplish their purpose of destroying him. But he possessed unfaltering courage and great enterprise—even desperate enterprise, as Smollett says—when occasion required, and he appears never for a moment to have abandoned the resolution he had formed to do all that a man might to recover his estates and honours at whatever risk to himself—even though he might have to resort to dubious means and tread devious paths to attain his end. His oppressors had been restrained by no law, human or divine, in accomplishing his overthrow and robbing him of everything that makes life worth having, and it is not surprising if he determined to apply to them unsparingly the maxim that all is fair in love and war.

It was plain that, so long at least as Queen Anne's government in Scotland was controlled by Lord Lovat's enemies, he had no hope of attaining his desire or procuring any kind of justice, except by the restoration of the Stuart dynasty. . And he was convinced of the imbecility of the views and projects entertained

by the Court of St Germain's, which were visionary and impractical. He affirmed (so the Life says) that while her Majesty implicitly followed the advice of the people who were at the head of the English Parliament, i.e., the Jacobites or Tory members, Jesus Christ would come in the clouds before her son would be restored. They looked forward to a new restoration by a Parliamentary vote, perhaps on the death of Queen Anne, but Lovat did not believe in it, and an indefinite postponement of his own restoration was distasteful to him. He knew what had been accomplished by the Highland clans in the wars of Montrose and Dundee, and he worked out a scheme for the rising of the clans supported by French troops. His main reliance was on the Highlands, "who, being the only part of the British population accustomed to the independent use of arms, were the only portion which could be immediately put in action against the reigning power." The English and Lowland Jacobites believed that the Highlanders were no better than a kind of banditti, fit enough to pillage the lowlands and to carry off cattle, but incapable of forming a regular corps or of looking in the face of the troops of the existing Government. But Lovat knew better. He proposed that 5000 French troops should be landed at Dundee, where they would be near the Highlands, and might reach the entrance of the north-eastern passes in a day's march, and at the same time be in a position to divert the British troops for a time sufficient to enable the Highlanders to rise. Five hundred men were to be landed near Fort-William to seize the fort and keep an open access from the sea to the West Highlands. Money, arms, and ammunition were to be supplied by France. Lovat had a statement or estimate of the number of clansmen that could be counted on. In submitting his statement to Mary of Modena, he named 10,000 men as the number expected to join in the insurrection. As Hill Burton points out,

this plan of Lovat's was the origin of the idea that the North of Scotland was the proper place to choose for a descent such as was made in 1715. The same may be said of the rising in 1745, and the puny attempt of an invasion at Glenshiel in 1719. But in 1715 and 1745 the foreign auxiliaries did not arrive. Nevertheless, in 1715, the Jacobites would probably have been successful but for the irresolution and want of generalship of the Earl of Mar.

Lord Lovat's plan was submitted to the chief advisers of the exiled Court. There were two antagonistic parties in the mimic Court, one led by the Duke of Perth, who knew the Highlands, and the other by the Earl of Middleton, who did not. The Duke and Earl "hated each other with a mortal hatred." This Court, petty in everything else, was infinitely great "in rivalry, irritation, spite, cabal, and intestine dissension." Perth favoured Lovat's scheme, and—perhaps in consequence—Middleton derided it. It had a very chimerical appearance, and he laughed at "your Highland projects." He had been accustomed to see everything managed through the constitutional operations of the great families of England, and it was hoped that Marlborough and his brother-in-law Godolphin, the treasurer, might lead such a movement, which Lovat derided in return. The Queen's advisers being at variance, she asked Lovat to confer on his project with the French Minister of Foreign Affairs. Not only did he do this, but he, apparently, successfully persuaded the French Minister that the plan was feasible. Only, before embarking in such a momentous adventure as a subversion of the British Monarchy, the French Court desired evidence that Lovat's estimates were accurate, and that the chiefs were pledged to rise when the attempt was made. Accordingly, it was arranged that Lovat should return to the Highlands to see the chiefs and get their written pledges to join the insurrection. But the French Court, as they

did not know much of Lovat, and Middleton's party spoke ill of him, sent an emissary of their own to accompany him. This gentleman was John Murray, brother of the laird of Abercairny, a naturalised Frenchman. Before leaving for England Lovat received a Colonel's commission, dated 25th February 1703. This date shows he had been about seven months in France.

Lord Lovat and Murray passed from Calais across to England, and travelled north through England to Scotland. Lovat was in deadly peril all the time, as not only was the outlawry and a sentence of death standing against him in Scotland, but he was liable, under the treason law of England, to capital punishment for corresponding with St Germain. And he only escaped arrest in Yorkshire by his extraordinary readiness, coolness, and courage. I shall let Hill Burton tell the story, which he takes from the Life of which I have already spoken—"While Lovat and Mr Murray were passing through Northallerton, a Frenchman whom they had with them in some servile [menial] capacity, had been speaking too freely, within the hearing of a justice of peace, of sound Protestant and Revolution principles. At that time, indeed, it only required the sound of a foreign tongue, and the appearance of a traveller, to rouse the most formidable suspicions, and to deprive the inhabitants of larger towns than Northallerton of their nightly sleep. The justice headed a body of constables and able-bodied townsmen, and surrounded the inn. Lovat had one of his own clan as an attendant, who warned the plotters of their danger. Murray resolved to stand on his privileges as a naturalised Frenchman. Lovat was determined to fight and die unless his fertile ingenuity should render his heroic purpose unnecessary. His clansman stood with two pistols on the landing of the stair—his duty was with the subordinates, and the justice of peace was to

be allowed to pass, that he might be dealt with by the master. When the justice presented himself Lovat, with all the warm cordiality of the most guileless manner, approached, shook him warmly by the hand, and thanked him for his visit, expressing his great pleasure in seeing an old friend whom he had not seen for two years. He believed the last occasion on which they had met was when he attended a neighbouring horse-race with his brother the Duke of Argyle. The Yorkshire justice at once succumbed to the bolder genius of one infinitely more Yorkish. He apologised for the abruptness of his intrusion to meet the Duke of Argyle's brother; his hospitable zeal must be his excuse. The two new allies spent a roaring night drinking loyal toasts, and the justice was carried off to bed." Simon wandered from the strict path of truth on this occasion, but I wonder if George Washington would have kept it better with the halter as the alternative.

Lord Lovat got to the Highlands, and, more or less, fulfilled his mission. He saw his cousin Stuart of Appin, Lochiel, the laird of Macgregor, and Lord Drummond, among others. Murray's district was the lowlands, where he had small success. Lovat, of course, visited his own country, where his brother John had been left as his representative and factor, although Mackenzie of Prestonhall and his son and daughter-in-law (the heiress) claimed to be in possession. In a petition to the Privy Council on 4th August 1702, it was stated for them that although Simon had left the country, "yet he hath left John Fraser, his brother, and several other fugitives lately intercommuned as said is, with some other loose and broken men, to number of thirty or thereby, who for these three months by gone have gone up and down the countries of the Aird and Stratherrick, belonging to the petitioners, threatening the petitioners' chamberlains with death if they should offer to up-

lift the petitioners' rents from the tenants, and threatening in like manner the tenants if they should pay. And for effectuating thereof, the said John Fraser hath kept a party of men as in garrison in the town of Beauly, the heart of the country of Aird, who exact free quarters from the tenants. Likeas he and his complices have taken up from the tenants and possessors, to the number of 200, custom wedders and lambs, and broke up the petitioners' meal gurnels in Beauly, and had taken out thereof about sixty bolls of meal. And further, about the 6th of July last, Fraser, younger of Bochruben, and two more of the said John Fraser, his complices, came to the house of Moniack, where Mr Heu Fraser, one of the petitioner's chamberlains, dwelt, and having by a false token got him out of the house, did not only reproach him for serving the petitioners, but beat him with the butts of their guns, and had murdered him if he had not made his escape. And because he complained to the Commissioners of Justiciary of this their wickedness, they sent him a message that if he persisted in this complaint they should destroy him and all his relations." John seems, so far, to have carried out his threat of punishing not only Heu Fraser, but other chamberlains, for complaining to the Court of Justiciary, as there is another complaint to the Privy Council ten days later than the petition just quoted, in which it is set forth that John had collected fifty broken men in Stratherrick, gone with them to the Aird, where they raised other two or three hundred men and women, burned to ashes the house of Fanellan, where one chamberlain lived, and all the office houses there, taken a chamberlain and ten soldiers, whom he obviously had for a guard, prisoners, and marched them and others "in triumph" to the end of Loch-Ness, where they were released, all except three, who were carried to Stratherrick, being abused in the most barbarous manner, "and whether they be dead or alive the petitioners know not."

These petitions afford a good idea how it was that the factors on the estates forfeited after 1715 found it difficult to collect rents, and how Donald Murchison collected rents for Seaforth after his forfeiture, in defiance of the law and the Government. No doubt, the tenants were all, explicitly or tacitly, in the plot, and were glad to receive a threat of condign punishment if they paid rent to a Government factor. It was an excellent excuse for not paying.

So far as we have gone, Lord Lovat has not been proved to have done anything to earn the reputation the historians have awarded him. But I have next to get him out of Britain, and to deal with what is known to history as the Queensberry Plot, which is connected with the method Simon took in order to get back to France without losing his life.—I am, &c.,

WILLIAM BURNS.

Inverness, 13th January 1908.

VII
Sir,—Down to the time when in 1703, Lord Lovat was accredited by the Courts of France and St Germain to Scotland, in order to procure reliable data to satisfy them that his plan for an insurrection and invasion had sure foundations, he was only known to fame or infamy as a semi-barbarous Highlandman who had been accused and convicted, probably by a perversion of legal procedure, of a constructive treason, in which even then there could have been few believers, and a private wrong which was never proved, and, if committed, was pardoned and condoned by the person offended. The cloud of dubiety which covers the story is pierced with a few patches of light which we can see and believe in. First and foremost, the trial was contrary to all the practice and traditions of the law, trial for a serious offence, in absence of the accused being illegal; second, the charge on the main point was abandoned;

and third, the chief witnesses who were examined to provide some sort of colour for the charge were plainly speaking with halters round their necks. If Simon was guilty so were they. Their choice was King's evidence or the dock. And Major Fraser's history establishes that the lady at length displayed an adequate and even profuse affection for her, perhaps, initially importunate wooer. After some doubts, and reading much that surrounds the Major's narrative, I have become convinced of the truth of its chief incidents. He embellished, but, when he did, he lied like a Highland gentleman, not to deceive but to please. Every good story-teller does this. And, within limits, it is not only pardonable but commendable. Macaulay, in his history of England, carried the practice to extremes.

After visiting and sounding the Highland chiefs, Lord Lovat had to escape from Britain, or be captured with a death sentence hanging over him. He used means to save himself by tricking the Duke of Queensberry, who, jointly with the Marquis of Atholl, Lovat's known and bitter foe, was Governor of Scotland. This event raises Lord Lovat from the position of an ordinary malefactor, justly or unjustly condemned, and little heard of, to the rank of a famous personality, who, in a fashion and degree, altered history; because he produced, or at least materially accelerated, the union of the Kingdom of Scotland with England and Ireland.

I have now to relate this story, which I confess has troubled me and almost made me throw up my brief for Simon, as the histories are so confused and dark, but, since I last wrote, I have received a rare book containing a report printed in 1704 by order of the House of Lords, which embraces all the records, epistolary and other, of what is variously called the Queensberry Plot, the Scottish Plot, and the Lovat Plot. I am indebted for this to my friend Mr J. R. N. Macphail, advocate, who is taking an interest

in these letters, and who is, I believe, the foremost expert at the Scottish bar in peerage, heraldry, and historic questions, and has many times been my coadjutor and mentor in Highland and railway litigations. More power to his elbow. I see it prophetically on the bench.

Simon had to escape from Britain or die. Not only was there a price of 2000 merks upon his head for the old troubles, but his recent adventures in the Highlands had become known. With unsurpassable daring he put his head within the lion's jaws. Of course, he was between the devil and the deep sea. He went to Queensberry and told him of his mission to the Highlands and its object. This was treason against St Germain's and the chiefs of the clans, if he told the truth. He did tell some, but only in general, and I do not find that any person was implicated or punished by the Government from what he told. He made Queensberry believe that if he were allowed to go back to France, he would get more of the St Germain's secrets, and return and disclose them. Queensberry was apparently a credulous person and jealous of his colleague, the Marquis of Atholl. Here was a glorious opportunity for Simon to kill two birds with one stone. Mary of Modena, the exiled Queen of James the Second, had given him letters to the Highland chiefs and lords, praying for their support. Some of them were blank in the address, and Lovat had authority to address them. One was partly addressed, with initials, L— M—. So some accounts say, and Mr Andrew Lang accepts them. I am doubtful. However, Lovat seems to have turned this partial address, or none, into "Lord Murray," which had been Atholl's name when the Jacobite Court knew him, and gave it to Queensberry, who fell into Lovat's trap. It appeared to Queensberry that his colleague was corresponding with St Germain's, which was treason, and he was not averse to upsetting Atholl, with the hope that the Government of Scotland would

fall into his sole hands. There were great pickings for the heads of the Government at times when forfeitures were going. Queensberry sent the letter to Queen Anne.

Queensberry gave Lovat a pass to leave Scotland, travel through England, and go to France. Queensberry must have concealed this from Atholl, because, from the Scotch Government, another engine of destruction was issued against Lovat on 27th September 1703. This was another "Letters of Fire and Sword," of which I shall shortly quote the diabolical terms. Lovat may have got notice from Queensberry of these Letters, but, at all events, he fled two days before they were issued, and got safely to Holland and thence to France. There can be no dispute that Lovat did not act candidly with Queensberry. In our modern phrase he "sold" Queensberry. But he had either to "do" Queensberry or die. Lovat was then an officer, a Colonel of the Court of St Germain's, which was from its very existence perpetually at war with the Court of St James, i.e., then Queen Anne's Court. His tricking of Queensberry was an act of war. The ethics of war justify slaughter, and all possible methods of deceiving the enemy, with the view to his destruction. I do not condemn Simon on this count. Besides, he was an outlaw, and not only unprotected by the law, but the law used every effort to destroy him. He was treated as vermin, and no stratagem he could devise to save his life was inexcusable. Carlyle has some striking words in his French Revolution about the meaning of outlawry. The end of Robespierre was initiated by declaring him *hors la loi*, out of law, and thereafter he was brutally pounded to destruction. It places a man in the position of a wild and noxious beast. This is how it was done in Lord Lovat's case. A commission was issued to certain persons—

"To convocate our lieges in arms to pass and search for, see, follow, take, apprehend, im-

prison, or present to justice, and in case of resistance, hostility, or opposition, to *pursue to the death* the said Captain Simon Fraser, outlawed and fugitive, aforesaid, and such persons as shall associate themselves to him, and resist the execution of this our commission, wherever he can be apprehended, and if the said Captain Simon Fraser, and they who shall associate themselves to him, in opposition to this commission, shall, for his or their refuge, happen to flee to houses or strengths, in that case we, with advice foresaid, give full power and commission to our said commissioners, conjointly and severally, as said is, to pass, pursue, and asseige the said houses or strengths, raise fire, and use all force and warlike engines that can be had for winning and recovering thereof, and apprehending the said Captain Simon Fraser, and such persons as shall associate themselves to him in resisting the execution of this commission as rebels and traitors."

Sir John Maclean, a kinsman of Lord Lovat, was attached to the Court of St Germain's when Lovat first went there and propounded his plan of a Highland rising and invasion. Sir John was one of the few persons who were made acquainted with the plan. Maclean desired to return to England or Scotland, and, in November 1703, passed over from Calais to England, where he was instantly arrested. He was brought before a Committee of the House of Lords appointed to examine into "the Scottish conspiracy," and on a promise of pardon if he made a full discovery, told the whole story. He had endeavoured to make a stipulation that he would be "treated like a gentleman, so as not to be required to appear in public against any person." Hill Burton remarks on this that Sir John's notion was that it was more characteristic of a gentleman to give secret information than to bear open evidence in a court of justice. More incisive language is employed in the Life of Simon, whoever wrote it. Maclean is there

spoken of as having acted "to his shame and eternal confusion as the most contemptible of cowards, and as one who has ever since been universally regarded as the most worthless of the human race." Sir John was pardoned and pensioned, but his disclosures were published by the House of Lords, and we may conceive that the appropriate punishment for his treachery was awarded to him in a full harvest of scorn and contempt. I observe that Lady Maclean made no voluntary disclosure. She was examined, but did her best to screen her friends. The ladies were more staunch than the men. Murray of Broughton's wife refused to live with him after he turned traitor to the Jacobites in 1746-47. It is rather curious to find that Lovat, who has been condemned to infamy as an arch traitor, made no disclosure, although he was betrayed by Maclean and Colin Campbell of Glendaruel, and also by Ferguson, the plotter, who wormed some of his secrets out of him at convivial meetings. The investigation into the plot by the House of Lords raised a constitutional question. The House of Commons resented the assumption by the Lords of authority to deal with the case, and called upon the Queen's Ministers to do it. The Lords had been ordering people into and out of gaol as if they were a criminal court, and ignoring the House of Commons and the Government.

To bring this portion of the tale to an intelligible conclusion, I shall briefly call to mind some historic points, now rather obscured by the shadow of time. When James the Second ran away, or vacated the throne as it was phrased, the next in succession being Protestants, were, first, his elder daughter Mary, married to the Prince of Orange; second, his daughter Anne; and third, the Prince of Orange himself. William and Mary both died without descendants, and Anne survived all her many children. When her last child, the Duke of Gloucester, died in July 1700, the English

Parliament passed an Act declaring that her successor was Sophia, Electress of Hanover, and the heirs of her body being Protestants. But the Scottish Parliament declined to follow suit. Scotland was a separate and independent kingdom, and was at the time in the worst possible humour with England, which was doing all it could to injure Scottish over-sea commerce and attempts to establish colonies, especially the Darien scheme, in which most of the small capital of Scotsmen was embarked. Hence it was on the cards that Scotland would accept the old Pretender, as we now know him, as King, and the Crowns would be again separated. An Act was actually twice passed by the Scottish Parliament, and received the Royal assent on the second occasion, providing that whatever king the English accepted should not be King of Scotland unless England redressed the grievances of which Scotland complained. So long as matters stood in this position, every Scotsman was entitled to advocate the claims of the father of Prince Charles to inherit the Crown of Scotland on the death of Queen Anne. Hence, what was treason in England was perfectly lawful in Scotland. Fletcher of Saltoun, a great power in the Scottish Parliament, declared he was not against a Catholic King for Scotland if the just claims of that kingdom were secured. It became clear, before the inquiry into the Lovat plot was ended, that a movement in Scotland in favour of the Stuarts could not be suppressed without war so long as the Hanoverian succession to the Crown had not been enacted there. And the Lords presented an address to the Queen in that sense, to which Queen Anne replied as follows:—"My Lords, I have some time since declared my intentions of endeavouring the settlement of the Protestant succession in Scotland, to my servants of that kingdom, as the most effectual means of securing their quiet and Our Own, and the readiest way to an Entire Union betwixt both kingdoms, in the per-

fecting of which it is very desirable no time should be lost." Thereupon the negotiations which culminated in the Treaty of Union were taken up and vigorously prosecuted, and, on 6th March 1707, the Union was completed.

Lord Lovat committed no treason or other crime by joining the Stuarts and advocating their cause, so long as a Stuart succession was possible in Scotland. That was the case till 1707. I claim for Lovat that even at this point of his story he has incurred no infamy.—I am, &c.,

WILLIAM BURNS.

Inverness, 20th January 1908.

Sir,—I pick up the broken thread of my narrative at the point where Lord Lovat escaped from Britain to seek refuge in France for the second time. That was towards the end of 1703, when Marlborough was successfully combating the French King in the low countries. Through that area of war Lovat had to pass to France, and he managed it with triumphant address, but sometimes with narrow escapes, which compel one to admire his wonderful resource and daring.

I have re-read, re-read straight through, as a study in literature, at one only partially interrupted sitting, the "Arbuthnot" Life of Simon, which is a combination of the more or less genuine Memoirs, and pure or impure romance—largely impure. It is possible to discover the true history from the invention in this book, and I find the truth more astonishing than the romance. Lovat had to adopt disguises, sometimes as an officer in the Dutch army, sometimes as a peasant, and gallop through fortified bridges when the guards were not too watchful. He was always in peril. But he never forgot his clan and his ambition to head it as Lovat and Chief of the Frasers. I cannot forbear quoting a letter from Simon which

I find at page 48 of the House of Lords' Report of 1704 on the Scottish Conspiracy, i.e., Lovat's plan of a Highland rising, combined with a French invasion. It was written from Rotterdam, when he was trying to get a passport to enable him to escape into France. This is the letter.—

To the Honoured Alexander Frazer, younger of Culduthel, in his absence to John or James Frazer, his brothers. [James was the Major of Castle Leathers.]

Most dear Cousin,—

I have sent you this to assure you that my love for you is as much this day as the day we parted, and that I hope to make you and your family and father's children happy very soon. I hear you are married; if it is so, I wish you much happiness, and if you are not, I hope to get you a good marriage, before a twelvemonth be over. Let no man's saying discourage you, for if we live both a year, you will, by God's help, see me the greatest Lord Lovat that ever was: I am so already out of my country, and I hope to be so in my country very shortly. If you think that it will not be hurtful to your present condition, I desire you go about with the inclosed; if it will, send one of your brothers with it, that will give me a faithful account of what every particular man's answer to it will be. You may propose their sending me a letter to try their pulses, for by signing or not signing it, I would know who is my friend, and who not. I refer all this to your management, and whatever word you have for me, send it to Captain Macleod, and I will get it safe wherever I am. Believe that I am, dear Saunde, your affectionate cousin and chief,

LOVAT.

Rotterdam, 17th December 1703.

I must also quote the letter to the clansmen, which, be it noted, was addressed to the *Gentlemen* of the name of Frazer, i.e., to the

Dhuine Wassals who were cadets of the main stein, such as Inverallochy, Strichen, Struy, and Guisachan. Simon was Sovereign, and they were the Princes attendant on his Court. It occurs to me as I write, but I only suggest it to Mr Watson and other Celtic experts, that Dhuine is a variation of Dominus, the ruling man. The letter of Simon to the clan is as follows:—

To the Honourable, all the Gentlemen of the name of Frazer, of the Lord Lovat's family.
[This excludes Saltoun and Fraserdale.]

My dear Cousins,—

Since I design not to go home this winter, but make a journey up the country, I thought fit to send you this letter to let you know that I bless God I am in very good health, and in extraordinary good expectations of my business [the proposed insurrection], so that the next summer I hope you will see me as my best friends would wish me, since there is no pleasure or preferment, tho' I have now both very considerably, is capable to hinder me from venturing my life, and all that's dear to me, to make you happy, and to keep you from being dispersed and banished from the lands of your fathers. I hope you will reflect on your foolish divisions, and abhor them; and as I never did revenge myself against the particular persons that appeared against me, because I hated mortally to dip my hand in my own blood, so I do heartily and sincerely forgive all, and one of them, by this, since I believe they did not see their error, till they see their door-neighbours like to take their bread from them; and as I do pass by, and entirely forgive all bygone injuries, so I hope they will join and concur with me to keep out our enemies, and to preserve my family, and their own name and kindred, which if they do not, when I come to my country, I declare solemnly, that I will treat them as my worst enemies, and cut them off

as monstrous members who are like to destroy the body whence they have their birth: I can assure you I will have power enough to do it, and be fit sides with all my enemies if I live a few months. So if you should not hear from me till I see you, let this letter be a faithful advertisement to you, that I never resolve to quit my Birth-right, and preserving of you while I live; and let it be a convincing exhortation to you, to be United as one man, to keep the possessions of your fathers, and resolve to dye bravely together, rather than survive your Honour, and the *Mackenzies* domineering over you, and transplanting you, which none of you is so ignorant, but must see is their design and endeavour. But they never will do it while I live, and I hope to turn the chace on some of them, before it be long. So begging of you all to believe that you never had a more affectionate relation or more tender-hearted Chief, I ever am, My Dear Cousins, your affectionate Cousin and Chief,

LOVAT.

Rotterdam, 15 December 1703.

These letters were captured by Queen Anne's Government, and never reached Culduthel, but all the world could read them in the report of the House of Lords printed in March 1704.

Lord Lovat, accompanied by his brother John, afterwards known as the Chevalier Fraser, reached Paris and St Germain's about the beginning of 1704, and made his report to the exiled Queen Mary of Modena. He had not been so successful in securing adherents to the proposed insurrection as had been hoped, and he was coldly received by the Queen, and with decided animosity by her secretary, the Earl of Middleton, who had never believed in the "Highland projects," and "never lost sight of a single opportunity of ruining the Scottish insurrection." Middleton had despatched a James Murray to Scotland in advance of Lovat to be a spy upon him. In the Life Murray is de-

scribed as Middleton's "sworn creature, his spy, and a man who had no other means of subsistence." Murray's report was extremely detrimental to Lovat, and went to show that his project had no substantial basis of fact, and that he was a lying adventurer, and probably a traitor to the cause of the Stuarts. It is certain from what happened in 1715 that Middleton and Murray were wrong, and that if Lovat's plan had been adopted, and he, or some other capable commander had been placed at the head of it, the Hanoverian King would have been dispossessed, and James the Third of England and Ireland and Eighth of Scotland would have secured the throne. But the Court of St Germain's was honeycombed with treachery. The poor Queen's servants were in the pay of the English Government. Sir Thomas Higgons succeeded Middleton as her Chief-Secretary, and his brother enlisted as a Hanoverian spy, and sent the St Germain's correspondence to London. Even when the Queen lay dying Higgons stole her papers. The exiles were desperately poor. The French King gave £25,000 a year to maintain their Court and the numerous retainers who fled from England to France, but in the division of the money there were only pittance for each. The pensions were £37 10s a year, which meant less than a pound a week for, say, a Prime Minister. The temptation to accept bribes from the enemy was almost irresistible. At all events, the atmosphere of the St Germain's Court was surcharged with distrust, and Lovat suffered the penalty. The Queen began to believe him to be a traitor, and became persuaded by Middleton and Murray that he was in league with the Hanoverian party. It is perfectly clear now that this conviction or suspicion was unfounded, as Lovat had no promises from the English Government, nor were the sentences against him relaxed till 1716. But the Queen applied to Louis Fourteenth to have Lovat imprisoned as a suspect.

If he were allowed freedom to return to England he might reveal the St Germain's secrets. We know now that there were no secrets, because each of the two Courts had spies within the inmost recesses of the other. The only difference was that Queen Anne's people had to buy their spies, whilst her Ministers, such as Bolingbroke and Oxford, performed the work gratuitously. They were nearly all in correspondence, direct or indirect, with St Germain's. One can only comprehend this, by keeping in mind that at that time the choice of a side in politics meant more in case of mistake than the chagrin attendant upon an electoral defeat; it might involve loss of estate or life, or both. To a man in the position of Lovat, whose support, on one side or the other, in the event of a war of succession, might mean the balance between victory and defeat, the momentous question was ever being propounded, "Under which King, Bezonian, speak or die."

Louis the Fourteenth did, occasionally, gratify the Court of St Germain's by sending to the Bastille persons of whose loyalty they were doubtful, and the Arbuthnot Life and some of the Memoirs say that Simon was sent there for, I think, seven years. This is not to be credited, because the earliest of the Memoirs, of which the others are expansions, says nothing about it, and because the Bastille story was plainly introduced to afford the writers an opportunity of vilifying the Roman Catholic faith and priesthood, which were at the time obnoxious to English public opinion, and were blamed for the rising of 1745. In the Life, an imaginary French priest, a fellow-prisoner of Lovat, gives a scandalous autobiography to amuse the others. His tale is not edifying, and the incidents are plagiarised from such sources as Beaumont and Fletcher's Spanish Curate and Dryden's Spanish Friar. One of the expanded memoirs says that Lovat became a Catholic priest and a Jesuit, and officiated at St Omers, where he secretly

lived a very unrighteous life, but the tale is plainly untrue. No one would have been received into the priesthood who was under the ban of Mary of Modena, and the Jesuits require an entrant to serve many years of study and probation. And they admit no one against whom a criminal conviction stands.

But although Mary of Modena was unable to persuade the King of France to send Lovat to the Bastille, she did succeed in getting him confined in the Castle of Angouleme, where his imprisonment was rigorous for some weeks, but was afterwards relaxed. From that time the Stuarts had no claim on the loyalty or services of Lovat, whom they endeavoured to punish for an imaginary treachery. The English or Hanoverian Government sought his life, and the Stuarts wanted to inflict upon him perpetual imprisonment. Surely the man was bound no longer to either party, and could be a traitor to neither. Both had cast him off.—I am, &c.,

WILLIAM BURNS.

Inverness, 27th January 1908.

12
Sir,—At the west end of the Inverness Town Hall, next to the window, there hangs a portrait of a picturesque personality, Major James Fraser of Castle Leathers, who attained historic fame as the representative of the Clan Fraser who brought Lord Lovat back from France, and was associated with him afterwards, sometimes as a supporter and sometimes as an opponent, the first instance being in aiding to quell the rising of 1715. I shall indulge here in two digressions. First, I think there is reprobation somewhere in Scripture of those who alter or remove ancient landmarks. The reason of the thing applies to changing place names. Castle Leathers, or Castle Leather, which is the more approved form of the name, was transformed into Castle Heather, to avoid offence to

the aesthetic tastes of an old stone-mason friend of mine who took the farm years ago. He has joined the majority, and his ghost would not be called on to walk though the old name were restored. Mr Kenneth Macdonald tells me that the name, two hundred years ago, in the title deeds, which he has seen, was Castle-town of Luffars. This was probably wrong. The title deeds were written mostly in Edinburgh, where Gaelic was little known. Mr William Mackay informs me that the word is one signifying a slope, a delivity, or the side of a hill. My Gaelic dictionary, which I confess I am very helpless in handling, has a word, Leathad, with that signification, and Mr Mackay informs me that the English word "leather" conveys the sound to the ear as nearly as any Sassenach can ever hope to hear it. Castle Leather was therefore the castle on the hill-side, which precisely expresses its situation. It is on the estate of Culduthel, close to Inverness, and on the face of the ascent from the valley of the Ness to the summit between that valley and the valley of the Nairn. My second digression arises out of the linguistic enquiry I put to Mr Mackay, and a statement on page 597 of Mackenzie's History of the Frasers that Colonel James Fraser of Kin-corth, grandson of our friend the Major, married in November 1772 Jean, eldest daughter of Alexander Mackay of Auchmony, Glen-Urquhart, with descendants, who performed distinguished services to their country in war and peace, and attained high rank. From my researches I find that the Mackays of Auchmony held the estate for 500 years, until, in 1779, the Alexander I have mentioned sold it to an ancestor of the Seafields. Alexander was succeeded as representative of the family by his brother Donald, who was grandfather of William Mackay, Blair-beg, father of ex-Bailie Charles Mackay and William Mackay, solicitor, Inverness, both of whom are Scotch cousins of the present head of the Major's family.

But I must return to the Major and his portrait. The Major himself occupies quite a number of pages in the histories of Scotland, and we should make the most of him in advertising the town and showing off the Town Hall. He has special lines to himself in the indexes to Hill Burton's and Andrew Lang's Histories of Scotland, and pages in the bodies of the works—Hill Burton, VIII., p. 294; Lang, IV., p. 213-15. And he wrote a book himself, which was, I am convinced, largely read in manuscript during his lifetime, and was printed and published in 1889. There is a hand-coloured engraving of the Town Hall portrait in the Sobieski Stuarts' *Costume of the Clans*, Plate XXI. In describing the picture they say, "The portrait of Major James Fraser of Castle Leathers, in the possession of his descendant, Miss Grant of Kilmonivaig, at Inverness, was painted about the year 1723. The Cota-goirid is of a dark and very simple tartan, and in shape resembles exactly the long and hideous stable waistcoat of a modern groom. Instead of buttons the breast is closed with gilt clasps . . . and is left open almost to the breast, discovering a waistcoat of the same tartan as the coat, furnished with clasps of a lesser size, and having straight sleeves bound at the wrist with gold. The truis are of the same tartan as the coat and waistcoat, gartered with scarlet garters. . . . The unsightly pouch is of leather, with two red cords, terminating by buff tassels. The plaid is of scarlet tartan, disposed with a base affectation of negligence. The sword has the inelegant pot hilt common from the time of James VII. The belt is the black varnished leather strap, stigmatised by recent bards:—

The sword of the thin grey pot
Hung in a sordid black tarred belt
Might well befit a tinker's son.

(The Gaelic original is given by the Stuarts).
The bonnet is of dark blue cloth, exhibiting the

profile of a Bologna sausage, and decorated with the black or Hanoverian cockade. The shoes are square-toed clumsy clogs, which afford little association of feet which are said to have danced 'Gille-Callum' before Catherine of Brandenburg." This description of the Town Hall portrait by the Sobieski Stuarts, who copied it for their book, and they appear to have been fair artists, is extremely accurate, and I should imagine that the portrait is a valuable one, not only from a historic and local, but from an artistic point of view.

I am dwelling upon this picture as a local asset, and therefore I do not scruple to quote from Colonel Fergusson, editor of the Major's manuscript (Vol. II, p. 207), the following communication furnished to him by Sir Henry Cockburn Macandrew when Provost of Inverness. Sir Henry had got, for the town, a present of the portrait from Major Nicolson of Hawkhill, Fortrose, a relative, I believe, of the immortal General John of the Indian Mutiny. Sir Henry said, in his own charming phrases—"I have known a good many of Major Fraser's descendants. There were two very picturesque old ladies, Miss Annie and Miss Peggy Grant, who lived in Inverness, and were very intimate with my father and mother when I was a boy; the last of whom died about twenty-four years ago. They were daughters of the minister of Kilmonivaig, in Lochaber, and, I think, grandchildren of the Major. They had, when I first remember, a portrait of him, and the story they told me about it was that it was painted in London in the dress in which he was presented at Court. The portrait shows a kind of Highland dress with trews. When asked by the ladies what the plaid was for, the Major gallantly answered that it was 'to wrap my sweetheart in;' and when asked why the sleeves of the doublet were slashed, he replied that it was 'to show he had a linen shirt.'"

The Major's book, published under the title

of Major Fraser's Manuscript, affords delightful reading. He tells how he was chosen by the clan to seek out Simon in France, and bring him home to lead and guide the clan in the event of the death of Queen Anne, who was dangerously ill. In May 1714 the Major "took journey from his dwelling-house with his haversack, and left his wife and [eleven] children spralling on the ground in tears, and proceeded on his journey till he came to Newcastle; from that went down to Shiels, and took occasion of a collier's vessel going for London. When he came there he discovered his design to my Lord Isla, Sir James Campbell of Ardkinglas, and John Forbes of Culloden." Lord Isla did not seem to be heartily in favour of bringing Lovat home, but Ardkinglas and Culloden "were very sanguine, and gave Major Fraser a good bould of punch the night before they parted, and wished him good success." This is not the place to narrate the Major's adventures in detail. He got to France and found Lord Lovat living in considerable style at Saumur as a pensioner of the French king, but practically as a prisoner, because he was upon his parole not to leave France or wander more than fifty miles outside Saumur without licence from the King. With some difficulty the Major persuaded Lovat to agree to abandon his life of ease, if not of liberty, and resume his endeavour to recapture his estates, title, and command of his clan. The enterprise appealed to all Lovat's desires and instincts, but he was held back for a time by his predilection for the Stuarts as against the House of Hanover, and his word of honour not to escape, pledged to the Court of France, which had not used him so ill as the Court of St Germain's desired. The Major, with undaunted front, offered to go to St Germain's and secure the Queen's assent to Lovat leaving France. The Major went on his mission, but did not succeed. He afterwards saw the Old Pretender (then a youth), the Stuart King James

who figures in Thackeray's *Esmond*, but is there vilely represented, no doubt for the sake of the story. In place of being dissolute and volatile, he was a pattern of all the virtues, and if he had not refused to change, or even profess to change his creed, he would have succeeded Queen Anne. But his high sense of honour, and his deep religious convictions, restrained him, and George of Hanover, who was a boor and a brute, was allowed to defile the throne. However that may be, the Major, according to his own story, administered a reproof to the Prince for a piece of youthful levity. The Prince asked the Major if he knew French. "The Major answered that he had only three words—the first, to ask the road; the second, to ask a bottle of wine; the third, a bed at night." The Major reluctantly pronounced the words, no doubt with a strong Gaelic twang. The Prince and his retinue "all burst out laughing. The Major stood grave, and told his Majesty that he was glad to come twelve or thirteen hundred miles to make his Majesty laugh so hearty."

But here I must leave the Major, although he is a fascinating companion, as I am to conclude this letter with Lord Lovat's own account of the taking of Inverness from the Jacobites, which is printed in one of the *Memoirs of 1746*. It must suffice here to say that Lovat made up his mind to throw himself and his clan on the side of King George, as the Stuarts had treated him very ill, and that he escaped from France, and, after some dangerous adventures, got to Inverness, assembled his clan, joined with the Forbeses and Roses, and broke the back of the rising in the North. This is Lovat's account:—

"In September 1715. the Earl of Seaforth, the Pretender's lieutenant-general and commander-in-chief in the North, assembled his forces at his seat of Brahan, where Sir Donald Macdonald of Slate, with 600 men, had joined him, together with the laird of

McKinnon with 150 men, and Alexander Mackenzie of Fraserdale (who assumed a command of the name of Fraser in right of his Lady) with 400 Frasers, whom he had forced together, and 100 Chisholms; these left with the Frasers, under the command of Fraserdale, amounting to 500, lay at Castledonny. But the Frasers of Struy, Foyers, Culduthell, and others, kept the rest of that name on foot for the Government, having assurance that Lord Lovat, their natural chief, firm for the Protestant succession, was daily expected from London; this procured them not only the ridicule, but made them the object of the resentment of the rebels. Fraserdale finding his number of men inconsiderable to what he expected, resolved, if possible, to bring these last-mentioned gentlemen into his party, and so wrote a letter to Struy and Foyers, desiring a meeting in order to convince them of the justice and reasonableness of the cause he had espoused; they readily granted this request, being willing to show him that they were firmly determined to support the Protestant succession as by law established, and to oppose the attempts of the disaffected to establish a Popish Pretender and a despotic government. With that view they went to Castledonny with 150 men, where they were told that Fraserdale was gone to Brahan, but received a message from Seaforth commanding them to repair to him and enlist in the service of the Pretender, to which they returned for answer that they were true Protestants, and would let his Lordship know so much upon a proper occasion. While this treaty was a carrying on, which was only intended to amuse them, Seaforth had in the meantime detached 600 men, under the command of Fraserdale and others, with orders to take the loyal Frasers dead or alive; but the Frasers being apprised of their design, put themselves in a position of defence, of which the rebels being informed, and it proving a very rainy, tempestuous night, they thought proper to return, being almost starved with cold and

hunger. Thus a dishonourable and unfair attempt was frustrated. Much about this time the Earl of Sutherland had drawn together a body of 1800 in the shire of Ross, intending to prevent Lord Seaforth from joining the main army of the rebels at Perth. Seaforth, understanding this, and finding himself 4000 strong, marched directly to give the Earl battle; but the Earl being so much inferior in number, retreated to Sutherland, as well to save his men as to draw Seaforth further North, and divert him for some time from joining the rebels at Perth; but his Lordship contented himself with ravaging the country, and went straight to Perth, where he remained till after the defeat of the rebels at Dumblain [Sheriffmuir], but the 400 Frasers that Fraserdale headed, hearing that Lord Lovat was come home, deserted that cause, and returned full of affection to their natural chief, and out of a just regard to the Protestant interest, for which the Frasers had ever since the reformation distinguished themselves; and the same good disposition appeared plainly in its effects till the rebellion was totally extinguished.

"Lord Lovat, on the 5th of November 1715, arrived at Culloden House, near Inverness, from whence his Lordship wrote to the gentlemen of his name that were well affected to the Government to come and receive him as their chief. Mr Rose of Kilravock and Mr Forbes of Culloden, to prevent his falling into the hands of the rebels, conducted him by Inverness to the frontiers of his own country. His lordship soon got his clan together, and hearing that a body of the Mackintoshes were going to reinforce Sir John Mackenzie, who commanded the garrison at Inverness, he marched with some others of the well affected gentlemen into that country, in order to intercept them and prevent their joining the rebel garrison. The Mackintoshes, hearing of this, sent their principal gentlemen to treat with his Lordship. They agreed to disperse and deliver up their arms, and the gentlemen became bound for the peace in their country. In the mean-

time his lordship, having intelligence that Keppoch, with a considerable body of men, were in full march to Inverness, he posted himself between Keppoch's men and the garrison. Sir John and Keppoch resolved to put his lordship between two fires, and attack him on each side; but Keppoch, intimidated at his lordship's firmness and resolution, thought proper to retreat through the country of the Grants of Urquhart, where, after committing great outrages, he and his men dispersed and returned home. His lordship thereupon marched straight to Inverness, and placed himself on the west side of the town, after having sent a party to guard that side of the Firth, in order to prevent any supply of provisions or warlike stores from coming to the garrison. Forbes of Culloden with his men lay to the East, and the Grants being 800, to the South side of the town. Sir John, finding himself thus surrounded, and in danger of being starved or taken, and understanding that the well-affected clans were ready to invest the place, took the advantage of a spring tide that came up to the town and made the river navigable, quitted the town and castle, and retired in boats on the 10th of November to the Ross side. Lord Lovat took immediate possession thereof, and acquainted the Earl of Sutherland, who was then in Sutherland, of their success. The Earl wrote his Lordship a very obliging letter thereupon, expressing his satisfaction that his lordship had, by his loyalty and zeal, in defence of the Government, entitled himself to his Majesty's favour, and assuring his Lordship that he would truly represent his services upon that occasion.

"The Earl of Sutherland came to Inverness the 13th of November, when he received the joyful news of the defeat of the rebels at Dumblain, and leaving a sufficient garrison at Inverness, marched with Lord Lovat to Seaforth's country, where they obliged the gentlemen there at home to give security for the peaceable behaviour of their people, and to return the arms that had been taken from

the Munroes; they left a number of their men in the castle at Brahan, and marched to Murray and Strathspey, where they subjected the country to the King's obedience. The Earl of Seaforth, in the meantime, gathered together the scattered remains of his men, after the battle of Dumblain, and lay with them near Brahan. The Earl of Sutherland, with Lord Lovat and others, marched against him, resolving to give him battle, but the Earl of Seaforth, upon their approach, proposed terms of accommodation. Upon a promise of pardon, he agreed to disperse his men, own the King's authority, and deliver up his arms, and thereupon hostilities ceas'd: his Majesty thereupon gave the Earl of Seaforth to understand that upon his performing his agreement, and behaving peaceably for the future, he might expect his Royal clemency. But upon the arrival of the Pretender in Scotland, the Earl flattered himself that their affairs might take a favourable turn, delayed to perform the conditions he had submitted to, and therefore forfeited any title to his Majesty's pardon; soon after these transactions the rebellion was totally extinguished by the retreat and dispersion of the rebel army."

Lord Lovat doubtless makes the most of his own services in this report. He was undoubtedly given to bouncing. It was complained on behalf of the Roses, who lost a promising scion, named Arthur, at the assault on the town, that too much credit was claimed for the Frasers. But Lovat was trying to earn his pardon, and the sequel showed that King George at least believed him.—J am, &c.,

WILLIAM BURNS.

Inverness, 30th January 1908.

Sir,—I have expressed grave doubt regarding the authenticity of the life of Lord Lovat published in 1797, but I have discovered materials for revising that opinion, which was stated as

a tentative one. In Mr Fraser-Mackintosh's "Letters of Two Centuries," page 201, there is a letter to his law agent, William Fraser, written from the Tower on 4th April 1747, five days before his execution, showing that he had given his memoirs in trust to the Rev. Donald Fraser, minister of Killearnan, who was at one time tutor to two of Simon's sons, and had not got them back. The letter is as follows:—

Dear Cousin William,—I wrote a letter in September or October last to Mr Donald Fraser, minister, desiring him to deliver up to you my memoirs, now in his keeping in trust for my behoof. But, as he has not complied with my said letter, I by these authorise you of new to call for my memoirs, and in case he refuse to deliver them up to you, to be disposed of as directed this day by me in presence of my cousin, Mr James Fraser, apothecary, in Craven Street, and witness to this letter; you are to take such steps for recovering my said memoirs as you shall be advised. But I hope Mr Fraser will prevent you any trouble on that head by complying with this my request, and deliver you my memoirs.—I am, dear William, your affectionate, humble servant,

LOVAT.

JAMES FRASER, Witness.

Tower of London, 4th April 1747.

The memoirs were obviously not delivered up, as the Rev. Alexander Fraser, minister of Kirkhill, son of the Rev. Donald of Killearnan, sold the manuscript to John Murray the first, publisher in London, and had a dispute with the Hon. Archibald Fraser of Lovat, youngest son of Simon, with regard to the property of the manuscript, as is shown by the following letter from the Rev. Alexander to the Colonel:—

The Honble. Archd. Fraser, Esq. of Lovat.

Honle. Sir,—As I have received no answer to my last letter, I take it for granted that you

decline the proposal there made—that is, That you will not acknowledge the property of the MS. sold to Mr Murray to have been mine. And, as passing from the emolument of the sale without such acknowledgment would be fixing a stigma on my own or my father's integrity, as if he or I had pilfered that Book out of your Father's Library, and that a conscious innocence entitles me to repel the charge with just indignation, I have ordered to put Mr Murray's note into the hands of an attorney to force payment in due course of Law.

You have once and again mentioned the opinion of my Friends in London; who these may be I know not. But I can say in return that I have conversed with your friends in this country on the subject of the MS., who hold up their hands with astonishment at the idea of your claiming the property of a Book which was delivered to my Father in the presence of several respectable gentlemen, and which has remained in his possession and mine upwards of forty years; which in my humble opinion constitutes prescription. But if you question the Truth of this I am ready to meet the enquiry in the competent Court. Notwithstanding my great respect for the heirs of the Family of Lovat, my respect for character, on which my usefulness in life pretty much depends, is still greater. And every honest man will forgive, if not applaud, me for entering into a contest for character with the heirs of the greatest family on earth.—Your hml. servt.,

ALEX. FRASER.

Kirkhill, 1st July 1785.

The first John Murray, who had been an officer in the army, started business as a book-seller in November 1768, and I infer that he must have communicated with Colonel Archibald regarding the ownership of the manuscript. I also infer that the Rev. Alexander delivered it up to the Colonel, as Mr Fraser-Mackintosh

says on the page cited—"It is known that the memoirs were issued by the Honourable Archibald Fraser of Lovat." Hill Burton, at page 9 of the introduction to his *Lives of Lord Lovat and Duncan Forbes*, says—"The internal evidence of the genuineness of this book was kindly confirmed to the author by the Reverend Alexander Fraser of Kirkhill, to whose great-grandfather, the Rev. Donald Fraser, the original manuscript was committed." The Rev. Alexander Fraser here mentioned was of course a descendant of the correspondent of the Colonel. —I am, &c.,

WILLIAM BURNS.

Inverness, 3rd February 1908.

71
Sir,—The exploits of Lord Lovat and his associates, Culloden and Kilravock, in and around Inverness, were of enormous importance to King George's Government, as they placed a victorious and not inconsiderable force between the countries of the Mackenzies and other Jacobites, and the road to Perth, where Mar had established his headquarters, so that Mar could not hope for reinforcements from the large territory cut off from the south by Lovat, or the districts as far south and east as the Spey, which he now held for King George. And the clansmen who were with Mar at Perth became alarmed for the safety of their families and homes, which were now at the mercy of their enemies, and were inclined to desert and return to the north just as the 300 Frasers under Fraserdale had done, and as half of Mar's army did after Sheriffmuir. At least half of the inducement of the Highlanders to engage in insurrection was the opportunity it afforded for

plunder, and it was turning the tables with a vengeance for the farmer who had gone south to do battle and "take a spoil" to discover that the plundering was to be done upon his own homestead and possessions, which he had left behind unguarded and exposed to the depredations of inimical clans, who were as fond of taking a prey and as apt at the business as himself.

In attempting to form a just estimate of Lord Lovat's character, the best source of evidence, probably, is the esteem, or the reverse, in which he was held by contemporaries of rank, honour, and fame to whom he was intimately known. One of these was President Forbes. In this connection, Colonel Fergusson justly remarks that "the best testimonial to Lovat's reputation at this time [of the alleged marriage to the Dowager] *and after* consists in the uniform and steady friendship of a man, of whom Scotland has been justly proud, namely, Duncan Forbes, afterwards Lord Advocate and President of the Court of Session—a man who had no superior in his time in nobility of character and eminence as a judge." (Major Fraser's Manuscript, p. 49.)

But an even greater man than the President was a constant supporter and friend of Lord Lovat, viz., the second Duke of Argyll, who bore the sobriquet of "Red John of the Battles." He was engaged, at the same time as Lord Lovat, in putting down the rising of 1715. Of this Duke, Lang says he "was the most distinguished of his ancient house"—IV., 87. He was the Argyll of Scott's Heart of Midlothian, Jeanie Deans, and the Porteous Mob. And Thackeray, in *Esmond*, speaking of the

last days of Queen Anne, has a passing and admiring reference to him as "one of the most intrepid men in the world, the Scots Duke of Argyle, whose conduct ended, as such honesty and bravery deserved to end, by establishing the present Royal race on the English throne." The most instantly effective part of the conduct so praised was the proclamation of King George on Queen Anne's death, upon 1st August 1714, without asking leave of the Council, the majority of whom were Tories, and believed to be Jacobites. Argyll "probably prevented by his decision the terrible civil war which would have broken out had Bolingbroke" proclaimed King James'—Lang, IV., 171.

Readers of Thackeray will remember how Colonel Esmond, with his party, including the King, James, returning to London to proclaim him King, should the Queen's demise have taken place, were disappointed, when, at four o'clock on Sunday morning, they rode down by Kensington Palace. "Early as the hour was there was a bustle in the street, and many people moving to and fro. Round the gate leading to the Palace, where the guard is, there was especially a great crowd. There presently came out of the gate Horse Guards with their trumpets, and a company of heralds with their tabards. The trumpets blew and the herald-at-arms came forward and proclaimed GEORGE by the Grace of God, of Great Britain, France, and Ireland, King, Defender of the Faith. And the people shouted God Save the King!" The Stuart dynasty was at an end.

On 10th November 1715, Lord Lovat took possession of Inverness. Three days later (13th November) was fought the battle of Sheriffmuir, Argyll commanding for King George and Mar

the Jacobite forces. Argyll had 3300 men and Mar about 10,000, but about 3000 of them were scattered through Fife, and a garrison was left in Perth. It was a remarkable battle. Owing to the nature of the ground the one combatant could not see exactly where the other was, and in consequence the lines, when drawn out, did not quite face each other. "Each tended more to the right than its leader had designed, and thus the left of each was outflanked. Hence came the ludicrous peculiarity of the contest that the right of either army was victorious." But Mar retreated to Perth, whilst Argyll stuck to the battlefield. The fight was regarded as drawn by most people, but Argyll reaped all the advantages of victory, as, after the news came of the loss of Inverness, and the surrender of Brigadier Mackintosh and the English Jacobites at Preston, Mar's army melted away. Both sides, however, claimed the victory, although it was sarcastically said that both ran away. The verse of a popular song, put into the mouth of one of the combatants, on which side is not stated, was:—

"There's some say that we wan,
 And some say that they wan,
 And some say that nane wan at a', man;
 But ae thing I'm sure,
 That at Sherifmuir,
 A battle there was that I saw, man;
 And we ran and they ran, and they ran
 and we ran,
 And we ran, and they ran awa', man."

Argyll must have been satisfied he had done so well with his greatly inferior force, and was prepared to resume the fight on ground less liable to mislead the combatants, and with more

Careful generalship. He sang or said the old Scotch verse:—

“If it wasna weel bobbie, weel bobbie, weel
bobbie,
If it wasna weel bobbie, we’ll bob it again.”

All through Lord Lovat’s correspondence and in all his actions there is abundant proof of his sincere and unswerving loyalty to the great Duke, whom he describes as his protector, preserver, and father. That the friendship was reciprocated will be seen from a letter from the Duke to Colonel William Grant in support of a matrimonial proposal of Lord Lovat which was successfully accomplished. The letter is printed at page 59 of the Culloden papers. It is as follows:—

My dear Grant,—I trouble you with this, to let you know that, some time since, I learnt that Lord Lovat had proposed a match with Grant’s [the head of the Grant or Seafield family] sister, which for many reasons I wished so well as to interest myself with Grant in favour of it. You know Lord Lovat is one for whom I have, with good reason, the greatest esteem and respect; and as I confide entirely to him and the Brigadier [Grant], I am most earnest that this match should take effect. I am informed that the young lady is at present with you, and some other body is making court to her. I must therefore, as a faithful friend to us all, entreat your interest to bring this matter about, which will, I think, unite all friends in the North; a union which will be very serviceable to his Majesty and the Royal Family, and no less to all of us, who have ventured our lives and fortunes in defence of it.—Pray believe me, in whatever state I am, your faithful
humble servant,

ARGYLL.

Richmond, July 23d, 1716.

The Master of Lovat, who became General Simon Fraser, was the eldest child of the marriage with Miss Grant.

Lord Lovat was fairly well rewarded for his services to King George. He got "an independent company," which meant, apparently, that he was authorised to raise a regiment from his clan, and was made Colonel of it—such pay as was allowed, and the arms and accoutrements being provided by the Government. He was also awarded a pension of £400 a year, and made Governor of the Castle of Inverness, but without additional salary or pension. And he got his pardon, which was signed on 10th March 1716. Of this pardon Hill Burton says—"The person who drew the document appears to have thought that his employer could not be safe, if there were any of the most hidden cracks or flaws in human nature which it did not cover. It is an astounding enumeration of all the crimes to which the human animal is liable," &c. It might, hastily, and not unnaturally, be inferred that acceptance of such a pardon was a confession that all the crimes mentioned had been committed. But that was not so, the pardon was a protection against accusations as well as an exculpation for offences actually committed. False accusations, for the purposes of blackmail or revenge, were not unknown to our criminal records, and Simon had enemies, and had suffered from the forms of law being wrongfully applied against him. He had many litigations and contests to face before he got possession of his title and estates. These were certain to breed enmity, and, as he had been living as an outlaw, and subsisting more or less by rapine for a number of years, he must have been pe-

culiarly obnoxious to accusations for various legal offences. He could not afford to take any chances, and hence his pardon was, apparently, made to include all possible transgressions. He got a clean slate.

Lord Lovat was also presented by the Government with Fraserdale's forfeiture. Fraserdale, under the settlements made by his father, possessed the life-rent of the Lovat estates, and that, as well as his life and other possessions, was forfeited to the Crown by his attainder for joining Mar. All Fraserdale's rights to lands and goods were made a gift of to Simon, who was thereby enabled to take possession of the estates and levy the rents. He would have desired to see Fraserdale hanged, but had the mortification to learn from Duncan Forbes that the continuance of his right depended upon Fraserdale being kept alive. Were he hanged the life-rent, of course, ceased. In the course of years, Simon succeeded in acquiring the full right to the property, but the method is too long a story to tell here.

Having received his pardon, Lord Lovat was able to travel to London in security, and to appear at Court. He appears to have been very cordially received by King George, and he writes to Culloden, on 23rd June 1716, that he was that day honoured with a private audience. The gift of Fraserdale's forfeiture followed on 23rd August 1716, and in it ample acknowledgment is made of his zeal and sagacity in suppressing the rebellion. From that time he appears to have been a favourite with King George, who in 1719 stood god-father to one of his children, the King being represented at the baptism by Ballindalloch. At Court he made acquaintance with the baby Duke of Cumberland. In the letter of supplication which he wrote to the Duke from Fort-William, on 22nd June 1746, after his capture at Loch-Morar, he said

that, after being introduced to the King, "I became by degrees as great a favourite as any Scotsman about the Court; and I often carried your Royal Highness in my arms in the parks of Kensington and Hampton Court, to hold you up to your Royal grandfather [George the First] that he might embrace you, for he was very fond of you and the young Princesses." It is needless to say that this appeal to the Butcher's associations of childhood evoked no favourable response.—I am, &c.,

WILLIAM BURNS.

Inverness, 10th February 1908.

Sir,—Lord Lovat appears to have attained the summit of his prosperity and power in the year when he was appointed Sheriff of Inverness-shire. He also held the great office of Lord-Lieutenant of that county, and the command of his independent company, with, I infer, power to nominate the officers and sign their commissions, and, probably, also to promote, reduce, or cashier them at his discretion. As Lord-Lieutenant, he would be supreme in military affairs, excepting over the detachments of the regular army in garrison at Fort-George, Fort-William, Fort-Augustus, Ruthven, in Badenoch, and perhaps, Bernera, in Glenelg. As Sheriff he was chief legal officer and judge in cases civil and criminal. And over his own clan and on his own estates, both by clan custom and tradition, and his heritable jurisdiction (not abolished till 1746), his power was absolute. And in 1732 his contests for title and estates had been brought, by the never-ceasing exertions of Duncan Forbes, to a successful issue. As regards the estates, the result was not entirely triumphant, as Lord Lovat had to pay to Fraserdale's son a large sum of money to end the litigation. But he was able to pay it.

It may, to some of us, appear surprising that Lord Lovat, a peer of the realm, a great Highland chief, and a professional military officer, who had never studied nor practised law, should have been appointed Sheriff. But, in the Highlands, then, precious little respect was paid to wig and gown, and order could only be maintained, and legal process enforced, by a powerful baron or chief. When Robin Oig, son of Rob Roy, ran off with Jean Key, and married her against her will, the Sheriff-Substitute was present at the pretended ceremony. When asked at the trial of James More Macgregor, for taking part in the abduction, why he, in his official capacity, did not arrest the Macgregors, he could only answer that he had not force sufficient to make the attempt.—(Introduction to Rob Roy). Hill Burton partly defends the appointment of men with armed resources to sheriffships, as the Crown had no effective authority except close to the spots where military stations were established. "If one were made a Sheriff, because he was a conscientious man and a good lawyer, where would the benefit lie, when not one of his decrees could be enforced? Whoever could most effectually bring all under him to keep the peace, was the best Sheriff that such a state of things admitted of being chosen."

Lord Lovat could and did keep order. In a letter written to a friend, years later, he declares—"I can freely say, in face of the sun, I was fitter to be Sheriff of that great and troublesome shire, to keep it in peace and good order, than any one man beyond the Grampians; nay, I may say, than any man in Scotland, for, besides my own interest in the shire, all the principal gentlemen who have estates in it are my near relations, and upon my account were more diligent than ordinary to keep their country and people in peace, so that, except private theft, which can never be curbed and extinguished without a particular Act of Parliament for that

purpose, during the many years that I was Sheriff, there were neither riots nor public quarrels, and there were few shires in the North that could say the same." This is only Lord Lovat's testimony in his own favour, but it is corroborated by a letter from Duncan Forbes, dated 29th October 1726, the year after he was appointed Lord Advocate, to Mr Delafaye, one of the Walpole Ministry. Forbes writes—"Whilst I was in the North country I made several small progresses into the Highlands, and what, at my first arrival at Inverness, I wrote to you regarding the tranquillity of those parts, I can now confirm from my own observation. In the whole of my journey I did not see one Highlander carry the least bit of arms, neither did I hear of any theft or robbery."—(Culloden papers, p. 97.) This must have included Inverness-shire, where the Lord Advocate had his home.

Lord Lovat seems to have been a highly capable military officer. He held commissions during a great part of his life, and was Colonel of his own "Independent Company" for fifteen years. At his trial (p. 183) he said that General Wade, who reviewed the company every year, "called it the best company he ever saw in his life," and that General Handaside was present when Wade declared that "he never did see such a fine company in any country that he ever was in." This again is Lovat's own statement only, but it was proved at the trial that he was urged by letters from Prince Charles, and from Lochiel, Cluny, and Murray of Broughton, dated 2nd January 1746, to take command of the insurgent army. That was about four months before the battle of Culloden. The letter signed by Lochiel, Cluny, and Murray bears—"The Prince is sensible that your advice and counsel will be of greater value than the addition of several thousand men."—(Trial, p. 150.)

In view of the facts summarised at the outset of this letter, showing to what a high, and even

splendid, pinnacle of honour, power, and wealth, Lovat had by favour of fortune and his own marvellous address, courage, and tenacity ascended, from the abyss of outlawry in which he lay from 1701 till 1716, one naturally asks what rage of cupidity, fever of ambition or other sane impulsion could have induced him to break with the established Government. Walpole's Government broke with *him*, and deprived him, first, of his independent company, which meant of the colonelship of his clan when lawfully assembled in arms, and afterwards of his sheriffship. Burton says, "The old man seems to have been maddened and mortified by these humiliations." There can be no doubt they engendered in his mind a bitter feeling against the Government, which was never afterwards removed. He may have entertained an exaggerated opinion of the value of his services to the Hanoverians in 1715, which were unquestionably great, but he believed he deserved the rewards bestowed upon him, and that their withdrawal was an act of gross ingratitude. He considered himself no longer bound to the Georges. When Lord Lovat was at Fort-Augustus in custody, the Duke of Cumberland sent his secretary, Sir Everard Fawkener, to visit him, and draw out of him what admissions he could. In course of their conversations, Lovat said that "Marshal Wade was the cause of his present misfortunes; which was the taking away his company; which he expressed his resentment at by saying that if Kouli Khan had landed in Britain, he should have thought that would have justified his lordship to have joined him with his clan; and he would have done it." This was not denied by Lovat. Obviously the wound still rankled so deeply that he disdained to conceal his resentment, even to save his life. One rather curious point, not noticed by the biographers, is that the writer of one of the Memoirs of 1746, most adverse to Lovat, and apparently most circulated, from the number of copies I have seen, takes

the Government severely to task for depriving him of his pension and offices. I quote from p. 97 of the Cooper Memoirs—"The Highlands being disarmed and in a perfect state of tranquillity and subjection, the Ministry forgetting Lord Lovat's former services, and thinking him no longer of any consequence to the Government, was pleased, in the year 1738, without any real or known cause, but his having sometime before voted at an election contrary to their directions, although both the candidates were in the Court interest, to strip him of his pension and to deprive him of his command, and every other mark of the favour of the Government. And what was still more extraordinary and equally weak and absurd, after disgusting a person of so great power among the clans, the Highland Independent Companies, which were raised for no other purpose but to preserve the tranquillity of the Highlands, having been represented by a certain great officer to be no longer of any use in those parts, were regimented in the year 1739, and in the year 1742 sent into Flanders. There were no more than six companies of foot left in different garrisons in all the Highlands, viz., at Fort-George, Fort-Augustus, Fort-William, and Ruthven. So that the whole country was exposed to the intrigues of the restless, turbulent, and revengeful genius of Lord Lovat, and his insinuations and influence were actually the first foundations of our present troubles." The same disapproval of the Ministry's treatment of Lovat is in the Arbuthnot Life, p. 254. That book, so far as not romance, is a compilation, but the repetition of these views in a book made to sell, indicates that they were not expected to displease the English public of 1746. Lord Lovat himself, in a letter to Lord Loudon, dated 23rd November 1745, attributes all his misfortunes to foolishly and madly meddling with elections, and laments that he supported his brother-in-law, Sir James Grant, against John Forbes of

Culloden—(Halkirk letters, Transactions of Inverness Gaelic Society, XIV., p. 16.) Grant carried the election by Lovat's influence. Lovat had found out the method of creating "Barons" by cutting up superiorities, so that the "Barons of the Aird" could turn the scale at a county election.

I think Lovat was very unjustly used. His pension and offices were not the price of his electoral support, as Walpole viewed them, but the reward for past services to the dynasty, and payment for present work efficiently performed. But Walpole's Government lived by purchasing support with the money of the nation, and if any pensioner who failed to obey orders were left unpunished, the whole system of corruption would have collapsed. Lovat was deprived of his pension and dismissed from his posts, because he declined to truckle to the Minister; in short, for his independence. He was an early specimen of the free and independent elector, and, like the early worm, he was snapped. This election is mentioned in Hill Burton's *Life of President Forbes*, p. 339. It naturally caused unpleasantness between Lovat and the Forbeses, but the feeling passed away before long. These old elections, where the total electors might be from twenty to forty, where also the voting was open, and the polling might go on for weeks, often gave rise to passionate quarrels. There are many severe diatribes against Lovat in Mackenzie's *History of the Frasers*, and there happens to be one, at page 372, regarding his conduct at a later county election, in which his near relatives, Sir James Grant and Macleod, were opposed. Lovat supported Macleod, who was, I think, his first cousin, against Grant, who was his brother-in-law. What his motives were we don't know, and have no business to inquire. But it is supremely ridiculous to pass strictures upon him for exercising his influence according to his own view. Had the ballot, of which Mr Mackenzie was an ardent admirer,

been then in operation, no one would have known who Lovat's friends voted for. Being a Peer, he could not vote himself. All through his book, Mr Mackenzie shows an astonishing bias against Lord Lovat. It was clan animosity, not personal, of which Mr Mackenzie, a most genial mortal, was incapable. But as a loyal clansman he had to avenge the defeat of the Mackenzies of Prestonhall and Fraserdale in their attempt to absorb the Frasers and obliterate their name.—I am, &c.,

WILLIAM BURNS.

Inverness, 24th February 1808.

Sir,—After Walpole despoiled Lord Lovat of his Sheriffship, pension, and Independent Company, and, so to speak, expelled him from the ranks for insubordination in not obeying voting orders, he again became a Jacobite—not avowedly, of course, as it was treason to correspond with the Court of the exiled Stuarts. It is difficult for us to realise the passion of wrath and resentment with which his treatment by Walpole inflamed him. He was inordinately vain, and held, with justice, a great opinion of his position as Chief of the Frasers, of his rank as holder of a peerage of ancient fame, and of his abilities as a soldier and a statesman. He boasted, not without some reason, that the defeat of the rebellion of 1715 was owing as much to him as to any other. As events showed, he might, if he changed sides, hope for a Dukedom and the Generalship of the Highlanders. And he was treated by Walpole, whom I have no doubt he regarded as an inferior, as a lackey, and was turned off out of mere caprice, or for an offence which had no real existence, and was at most trivial. Apart from the deprivation of offices and emoluments, this was a dire and un-

forgivable affront, and it sent Lord Lovat back to the ranks of the enemies of the Government.

By this time he had experienced many vicissitudes of fortune and of party. Born before the Revolution, in a family which had always been loyal to the Stuarts, and claimed blood relationship to the Royal House, he was by birth a Jacobite, and retained a strong preference for that side all his life. But when his father became Lord Lovat he might have acquiesced in the change of dynasty, if he had not been driven out of the country by the oppression of the representatives of the Government. He joined the Stuarts in France, and would probably have restored their throne to them had he not been thwarted by the incompetent and jealous Ministers at St Germain. His reward was imprisonment. Next, he helps to establish the security of the sceptre of King George, and, as a Hanoverian, attains prosperity and power, and retains them for about twenty years. Then Walpole, by gross and insolent injustice, gives him mortal offence, and he secretly returns to his first love, the Jacobite party. All these changes of party were forced upon Lord Lovat, except the last, which is itself explicable without inferring infamy, or indeed any serious degree of blame. On balancing the benefits conferred by the Government on Lord Lovat, and the benefits received by him, it can hardly be maintained that the balance was in his favour. He had largely helped to confer a throne.

Until Walpole cashiered him, Lord Lovat appears, from all the evidence I have found, to have been perfectly loyal to the Government. At his trial there was some evidence given of his friendship for some known or suspected Jacobites, but as probably two-thirds of the Highlanders were Jacobites, it is to be hoped that most other Highland lairds were equally guilty. It was also attempted to be proved,

but only by one dubious witness, that, when Sheriff, he had connived at the escape from the country of John Roy Stewart, a well-known Jacobite, who was afterwards one of the best officers of Prince Charlie. But Stewart, I think, was an old St Germain's friend of Lovat, who was, I hope, loth to hang him, and he may have thought Stewart would be better out of the country, and that the Sheriff might exercise a certain discretion in such an affair. I cannot much blame him for this incident, even were it proved.

But about 1739 Lord Lovat fairly and fully cast in his lot with the Jacobites. In the letter to his son, the Master of Lovat, dated 17th January 1746, which was the most damning evidence against him at his trial, he said—"But the fact is, my dear child, which you forget or perhaps that I did not take pains to inform you of, that about seven years ago I was one of those that entered into a formal association to venture our lives and fortunes to restore the King and his offspring, and we signed our mutual engagements for this purpose with our hands and seals, and sent it to France to the Cardinal de Fleury, then first Minister of France, by the hands of Mr William Drummond of Bochaldy. The Cardinal was so pleased with it that he showed our engagements and subscriptions to the King, his master, and begged of his Majesty to support us, and the King desired the Cardinal to assure us of his protection, and that he would lend us his assistance and succours to restore our King. When Mr Drummond acquainted my own King of this proof of my loyalty and my constant zeal for his person and interest from my younger years till now, he gave me evident proofs of his goodness and favours towards me since, as much as to any subject. He gave Mr Drummond a commission to carry to me of General of the Highlands, which I have; and several letters writ with the King's own hand,

that his Majesty would pay all the money I paid Fraserdale and his creditors for the estate of Lovat; and last of all, the King was so good as to give such a singular mark of his favour to me and my family that he created me Duke of Fraser, &c., and sent me that patent by William Drummond, of which I have an authentic copy, signed and countersigned by the King." The letter further on says—"So my dear child, since that association, I made it my business wherever I was to promote the King's interest, and to gain and engage faithful subjects to serve him, so that I have done more against this Government than would hang fifty lords and forfeit fifty estates. I have nothing for it now but to promote everything that is for my dear Prince's honour and interest, and nothing made me ever speak as much as a fair word to Lord Loudon, or the President, but to endeavour to save my person from prison, since I was not able to go to the field. . . . And as Loudon told me the day before I made my escape that he had as much to say against me as would hang all the Frasers of my clan, I have no reason to hedge or dissemble with any man of the Government; so may assure yourself that I will put all irons in the fire to send you south all the men that's engaged with you, and as many more as I can."

—(Trial, 142.)

Lord Lovat never expected that this letter (which fell into the hands of the Government after Culloden) would be read by anyone but the Master, and there can be no doubt that it sets forth with candid accuracy his policy from 1739 to January 1746. He meant to use all his efforts to support the rising when it came, and meantime to engage his friends to join in it, and there can be no doubt that he carried out assiduously the second part of his intention. But he still held to the plan which he had submitted to the Courts of France and St Germain in 1702 when he first fled to France. The plan

was briefly outlined in my letter of 6th January. Five thousand French troops were to be landed at Dundee and five hundred near Fort-William, and France was to send also money, arms, and ammunition. The clans were to assemble whilst the Frenchmen diverted the attention of the Government forces. But the French never turned up, and Prince Charles, with seven attendants, invaded Britain. The chiefs who were in Lovat's association were clearly not bound to join him, and Lovat was greatly disappointed when he heard the astounding news, and said "he did not land like a prince." Lord Lovat immediately wrote to Lochiel, "I fear you have been over rash in going ere affairs were ripe. You are in a dangerous state. The Elector's General Cope is in your rear, hanging at your tail, with 3000 men, such as have not been seen here since Dundee's time, and we have no force to meet him. If the Macpherson would take the field I would bring out my lads to help the work, and 'twixt the two we might cause Cope to keep his Christmas here. But only Cluny is earnest in the cause, and my Lord Advocate [now Craigie] plays at cat and mouse with me. . . . I'll aid when I can, but my prayers are all I can give at present. My service to the Prince, but I wish he had not come here so empty-handed. Siller would go far in the Highlands."—(Anderson, p. 150.)

We know how Prince Charlie and his little army cleverly evaded Cope by taking the Corryarrack road. Cope took shipping at Aberdeen, landed at Dunbar, and was defeated by the Highlanders at Prestonpans on 21st September 1745. Meanwhile Lord Lovat sat and waited, but the Prince's victory decided him to bring out the clan and send them with the Master, then at Aberdeen College, or Inverallochy, in command, to join the Prince. Then, or a little before, President Forbes, who felt the grave importance of keeping Lovat out of the war,

took up the cat and mouse game. The correspondence between the two players, the President as cat and Lovat as mouse, is printed in the Culloden papers and in Mackenzie's History. It displays dignity, straightforwardness, and kindness on the part of the President, and apparent dissimulation and duplicity on the part of Lord Lovat. He unquestionably raised the clan for the Prince, and sent them south, with the Master at their head, and he pretended to the President that the Master had done all in defiance of him, and he continued to express his loyalty to the Government. This is the great charge against Lovat, and where the stress of an attempt at vindication or palliation is most severely felt. The attempt would entirely fail if the ethical standard of to-day were to be ruthlessly applied, and to a man whose life-experience had been less rugged than was the fortune of Simon. But he was born 240 years ago, at a time when—it may now be said without offence, after Scott has said so much more without disapproval—the Highlands were only partially civilised, when it was seriously declared by a Highland gentleman that it was lawful to all men to take a prey in the Laigh of Murray, and when, indeed, the only occupations, except divinity and law, deemed worthy of such a gentleman, were fighting and cattle-lifting. And if rebellion were permissible at all against a King *de facto*, in favour of a King *de jure*, or any other system of government, dissimulation was necessarily implied, otherwise the intended rebel would have been detected and destroyed before the rebellion was brought to a head. All rebellions and revolutions are initiated by conspiracy, and the conspirators can only screen themselves by duplicity, if they live in such an atmosphere of suspicion as was universal in Simon's time. Lord Lovat's proceeding in putting the reluctant Master into the war rather jars upon the moral sense of a denizen of the twentieth century, but it was a com-

mon practice for members of a family to take different sides so as to preserve the estate whatever was the upshot. If Lovat had gone "out" himself, and the insurgents had lost, as they did, his attainder would have cut off the succession from all his descendants. But the Master's attainder only affected himself. Robert Louis Stephenson uses the practice I have referred to as the ground-work of his Master of Ballantrae.

I had intended to show that many of the most highly placed statesmen of the time far excelled Lovat in the political profligacy which consists in professing loyalty to two rival claimants to the throne at the same time, without earning any such load of infamy as has been piled upon his head, but I am afraid the result of the necessary labour would prove tiresome to the reader. I content myself with mentioning Queen Anne's Ministers during the last four years of her reign, from 1710 to 1714. Queen Anne represented the Protestant succession, as James at St Germain's was her brother, but a Catholic. The Ministers and their friends conspired to restore the exiled Prince on her death, and might have succeeded but for Argyll. This was treason, and the Duke of Ormond and Viscount Bolingbroke fled to St Germain's when the plot failed. The Earl of Oxford did not run away because he held proof that Marlborough was equally guilty, and Marlborough was one of King George's men. The Earl of Mar was Tory and Whig, which meant Jacobite and Hanoverian, many times by turns, and finally led the rebellion of 1715, because King George refused to continue him in office as a Secretary of State. None of these men was compelled, as Lovat was, to change sides, yet none of them has been so besmirched as he. But the times were, as Robert Chambers says, singularly difficult.—I am, &c.,

WILLIAM BURNS.

Inverness, 2nd March 1908.

Sir,—I have not been writing a Life of Lord Lovat, but partly an *Apologia* and partly a protest, with some hope to accomplish, if not a complete rehabilitation, yet a restoration to his true place in the ranks of his contemporaries of average respectability of character, of a great and famous Highlander upon whose name aspersion has been cast with much too lavish a hand. Hence I pass over many events in Simon's career, in themselves of great interest, which do not necessarily concern my purpose. But the incidents of his trial and execution bear upon his character, and demand some attention. A man on trial for his life, as Lovat was, before the most august and imposing tribunal in the world, and left to defend himself against the merciless assaults of a phalanx of the keenest legal intellects, cannot sustain such a constancy of dissimulation as to prevent his true personality being disclosed to its innermost recesses. The acts and scenes of the dread and unanticipated drama cannot be rehearsed beforehand, as the piece is only unfolded from hour to hour at the discretion of the accusers, of whose plans the accused has no premonition.

Lord Lovat was not tried in the ordinary way, as the lawyers were not absolutely certain whether he was a peer or not. His peerage had been sustained by the Court of Session in Scotland, but the jurisdiction of that Court in peerage cases was not unchallengeable, and has since then been disallowed. If he was a peer he could only be tried by the lords; if he was not a peer they could not try him. Hence the process of impeachment was resorted to. That applied to peers and commoners alike, and was really an engine for putting to death enemies of the Government, in a form recognised by the constitution. It was an act of war rather than a trial in the modern sense, where the accused has a chance of escape.

The trial took place in Westminster Hall between 9th and 19th March 1747. The hall was specially fitted up for the occasion. Mr Leslie Fraser possesses two large drawings of the scene, which were exhibited as part of his Castle Tolmie collection of curios at the Jacobite Exhibition at Inverness in the autumn of 1903. The case for the impeachers was opened in three speeches by a Committee of the House of Commons, including the Attorney-General. The charge against Lovat was remorselessly pressed, and Protestant party feeling was strongly appealed to. A main object of the rising was said to be to bring in Popery, "that bloody religion," as Sir William Yonge called it in the opening speech. Religion was, at least originally, at the bottom of the contest between the two parties, but civil freedom was also involved, and that consideration was also properly appealed to. Hill Burton gives us a very just appreciation of Lord Lovat's demeanour at the trial. He says (p. 256), "Lovat's conduct throughout was that of a dignified old man persecuted by fate, and borne to the ground by the oppressive strength of his enemies. Sometimes he was pathetic, occasionally impressively indignant, but never querulous or captious. He showed no disposition to catch hold of mere points of form; but was always ready to waive his right to their strict fulfilment, and to let the real business proceed uninterrupted. In general he was grave and decorous, and but one pleasantry escaped him. When he was asked if he had any questions to put to Sir Everard Fawkener, when examined as a witness, he said, "No, only that I am Sir Everard's humble servant, and wish him joy of his young lady." But although he probably knew that his case was hopeless, he threw away no chances and fought gamely to the end. He did refer to his age and manifest infirmities, but in no unmanly fashion, and begged "if your lordships have a mind that I should have any chance of

my life," that he should be allowed counsel to examine and cross-examine the witnesses, but his prayer, in accordance with the barbarous usage of the time, could not be granted. But no counsel could have availed him, as the trial was not in reality an investigation into his innocence or guilt, but a ceremonious method of condemning him to death. And, as it was treason to oppose by arms the Government *de facto*, he was unquestionably obnoxious to the existing law, and he did not seriously dispute it, although he severely criticised some of the witnesses, and assailed the double-dyed traitor, Secretary Murray of Broughton, with a wealth of invective which is refreshing to read. He was thus characterised in Lord Lovat's principal statement in defence:—

"Murray, the most abandoned of mankind, who, forgetting his allegiance to his king and country, has, according to his own confession, endeavoured to destroy both, like another Cataline, to patch up a broken fortune upon the ruin and distress of his native country; to-day stealing into France to enter into engagements upon, your lordships may believe, the most sacred oaths of fidelity; soon after, like a sanguinary monster, putting his hand and seal to a bloody proclamation, full of rewards for the apprehending the sacred person of his Majesty, and, lest the cup of his iniquity had not been filled, to sum up all in one, he impudently appears at your lordships' bar to betray those very secrets which he confessed he had drawn from the person he called his lord, his prince, and master, under the greatest confidence."—*Trial*, p. 162.

Of course, Lord Lovat was found guilty, all of the peers voting separately, according to their precedence inverted, commencing with the youngest baron, as I infer, and each declaring "Guilty, upon my honour." "After receiving his sentence he made a short appeal, earnest but not servile, to both Houses to intercede for

the mercy of the Crown." I quote from Hill Burton. The speech itself is at p. 187 of the Trial. The Lord High Steward, in accordance with custom, asked him three times if he had anything to say why judgment of death should not be passed upon him. To the third interrogatory he answered with grim humour:—"Nothing but to thank your lordships for your goodness to me. God bless you all, and I bid you an everlasting farewell: we shall not meet all in the same place again. I am sure of that." To appreciate the full flavour of this quip, one must note that Lovat was a Catholic, and most of the lords were in his view heretics.

Lord Lovat was sent back to the Tower, for the last time, on 19th March 1747, and remained there till he was taken to the scaffold on Thursday, 9th April. Very great interest was displayed in his conduct in the interval, and one of his attendants kept a minute account of his sayings and doings, from 3rd April, when the death warrant came to the Tower, till the end.

This narrative was printed at Dublin in 1747 in pamphlet form, and I am indebted to Bailie Alexander Fraser for the use of a copy. Hill Burton has given the most striking portions of it, and has culled from other sources, such as the "Gentleman's Magazine," a number of anecdotes relating to Lovat's last days. They show that Lovat accepted his fate with equanimity, and retained what the pamphlet writer calls his "gaiety and jocoseness" to the last. On his return from the House of Lords to the Tower, an old woman, not very well favoured, had pressed through the crowd and screamed in at the window of the coach, "You'll get that nasty head of yours chopped off, you ugly old Scotch dog," to which he answered, "I believe I shall, you ugly old English," &c. Hill Burton ventures to give the whole of the facetious and effective retort. The Major of the Tower came to see him one day, and asked him how he did. "Do," says his lordship, "why, I

am about doing very well, for I am preparing myself, sir, for a place where hardly any majors, and very few lieutenant-generals, go." The pamphleteer records that, on the 3rd of April, when the warrant came down for his execution, and the gentleman told him he was sorry to be the messenger of such bad news, his lordship replied very cheerfully, God's will be done, and then taking him by the hand, drank his health, thanking him kindly for the favour (as he called it), and assured him he was so well satisfied with his doom, that he would not change stations with any prince in Europe. His lordship then sat down with the gentleman, drank part of a bottle of wine with water, and seemed very composed." Next day he was very cheerful, and, among other things, said that he was concerned in all the schemes that had been formed for restoring the Royal Family since he was fifteen years old; but that he never betrayed a private man or a public cause in his life; that he never shed a drop of blood with his own hand, nor ever struck a man, except one young nobleman, whom he caned publicly for his impertinence and impiety."

Lord Lovat, by his courtesy and urbanity, won the affection of the family of General Williamson, who is spoken of as Lieutenant-Colonel of the Tower, and of the warders. On the evening before the execution, he desired to bid farewell to the general's daughter, and being informed that she was so much affected that she could not take her leave of his lordship—"God bless the dear child," said he, "and make her eternally happy, for she is a kind-hearted good lass." Mrs Williamson also was unable to face the ordeal of saying farewell.

Sir Andrew Mitchell of Thainstone, in Aberdeen-shire, at one time English Ambassador to Frederick the Great, writing from London to President Forbes shortly after the execution, says, "Lord Lovat, I hear, died well; several people are killed and wounded by the fall of a

scaffold."—Culloden papers, p. 477. The scaffold incident is mentioned by Burton, who records that Lovat remarked upon it, "The more mischief the better sport." I suspect the truth of this remark, as the pamphleteer, who was present, says nothing about it, and all Lord Lovat's sayings and doings on that final day were ceremoniously decorous. He probably did say, when he saw the great assembled crowd, "God save us, why should there be such a bustle about taking off an old grey head that cannot get up three steps without two men to support it."

There has been some doubt regarding the place of Lord Lovat's interment. The pamphleteer says that the body, with the head, was put into a coffin and carried in a hearse back to the Tower, "where it remained till 4 o'clock, and was then taken away by an undertaker, in order to be sent to Scotland, to be deposited in the burying-place of his family." In 1885, when the Welsh claimant's case was coming on, some members of the Inverness Field Club, including Sheriff Blair, Dr Aitken, Dr Alexander Ross, and myself arranged to examine the Lovat vault at Wardlaw, and search for the remains, but the proposal got wind, an objection was intimated, and the project was dropped. It might, with the sanction of Sir Keith Fraser, be still carried out.

What place ought to be assigned to Lord Lovat in the roll of distinguished Scotsmen? My impression, derived perhaps from too partial a survey, is that he bulks more largely in historic memory and imagination than any Highlander since the time of Charles the First, excepting two Argylls and two Lochiels. I exclude Montrose and Dundee as Lowlanders. This gives him a great place, and his story is so striking that his memory is more likely to increase than diminish with the flight of time. He is certainly the greatest of all the Fraser race since the War of Independence,

It was disastrous to Lovat's reputation that the earliest accounts of him were written by his foes, at a time when men's minds were inflamed by civil and religious broils. Of his later biographers, Hill Burton was a judicious and fair writer, but, unhappily for Lovat, Burton used him as a foil to President Forbes. The lives of the two men were published in the same volume, avowedly to point a moral. Forbes represented the good boy and Lovat the bad boy, and to stimulate the reader's interest, and heighten the contrast, Lovat had to be painted in sombre colours. Alexander Mackenzie's Life is marred by clan jealousy, and is a mere tirade.

I shall conclude with a letter written by William Macgregor Drummond of Balhaldie on 31st May 1747, but without the caveat which Burton attaches to it. Drummond was a man of honour and sincerity, and was the recognised Chief of the Macgregors. He wrote from Paris to a Mr Edgar:—

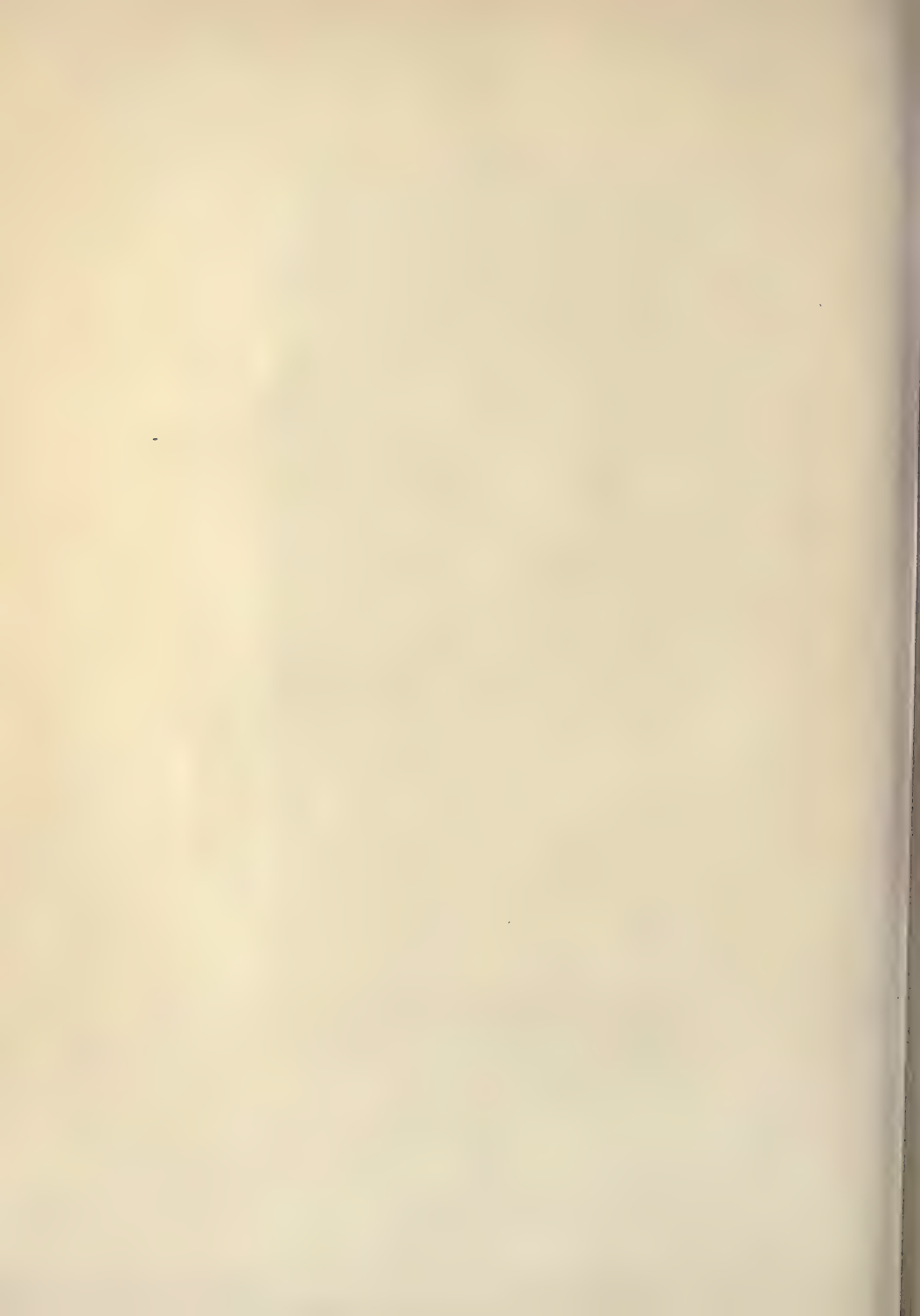
"Our good friend Lord Lovat is indeed no more! His Majesty [James] has lost in him an able and zealous asserter of his just rights; one of the best heads and hearts that was in his dominions; his country has lost one of the greatest and best patriots it had at any time, and his relations and intimate acquaintances a most faithful friend in all their necessities and wants. There have been many exceptions made against his character, which the necessities of the times, and the particular unhappy situation of his family at his setting out in the world, can only account for. But to consider his whole life in gross, we must allow him to have been one of the ablest men, of the soundest head, firmest mind, and best heart, that our country has at any time produced; one who never lost the point he had in view, whose surprising presence of mind, in all events, gave occasion to his seizing opportunities for succeeding in things by the ablest thought impracti-

cable, and quite out of the sight of the common rate of mankind. His equality and rather cheerfulness than dejection of mind, in the last days of life, and the easy civil behaviour, with resignation, with which he became a sacrifice to his duty and the royal cause, have reconciled the world to him. Every mortal is now satisfied that his sentiments were always the same—equally just and honourable—and that the innumerable difficulties he had to conquer in the settlement of his clan and private family, made it necessary to cover them by means that often rendered his character equivocal in the eyes of the world."

That is the verdict of a contemporary well known to and approved by history. Nor does romance disown him. He is Macgregor of Bohaldic, "Catriona's own chieftain," who gave her away, "with very pretty manners and agreeable compliments in French," when she was married in Paris to David Balfour.

We should have a portrait of Lovat in the Town Hall—a real portrait, not Hogarth's caricature. My present task is done, but I have some mental notes upon the portraits, and may by-and-bye produce them.—I am, &c.,

WILLIAM BURNS.



APPENDIX OF SOME FRASER LETTERS.

CLAIMANTS TO TITLES AND ESTATES.

Inverness, 20th November 1907.

Sir,—I have long been impressed with the conviction that the law, if there be any, dealing with claims to overturn established rights, whether in titles or estates, is radically defective. It has become almost a practice for speculators to get up a company to provide funds to attack a great estate with the promise and expectation that if the attack be successful the subscribers shall receive fifteen or twenty times, or even fifty times, the amount of the venture. This, of course, is a purely gambling transaction. The nominal assailant is inpecunious, and can lose nothing in the event of defeat, but the person or family assailed, if defeated, will be reduced to ruin. The game is not a fair one. The man who puts in £5 on the sporting chance of getting £500 if lucky, cannot be worse if he loses his £5 if unsuccessful, and if he wins will get a large sum drawn from the ruin, misery, and destruction of the person or family assailed. I think the risks of the game should, as far as possible, be equalised. The person attacked is exposed to absolute ruin. The persons attacking should, in the event of defeat, be made responsible for the whole of their fortunes, and if they were without means they should be liable to punishment as criminals, unless the Court trying the case certified that there was probable cause for the claim. A whiff of penal servitude would have a great effect.

COLL. CHRISTI REGIS S.
BIB. MANN
THORNTON

I have been applied to many times by persons, mainly in America, to set up claims to estates in the North. They were all founded on falsehood, but there was offer of perjury to any amount. Of course, I kept clear of them. We have a strong local interest in this question. A Lovat claimant turns up in the newspapers with brief intervals. The claim of John Fraser, which was tried a few years ago in the House of Lords, was a hollow sham, but it cost the late Lord Lovat an enormous sum of money, and incalculable mental distress to himself and family, and I have always believed that it shortened his life, which was a loss to the human race, as he was one of the finest men we ever had in the Highlands. There was never any possibility of the claimant succeeding, but a large sum was raised by the issue of bonds. For every £100 bond £800 were to be paid in the event of success, and the bonds were freely sold in London and Edinburgh. A prospectus was issued, and a pamphlet inviting subscriptions. To this pamphlet, I am ashamed to say, leading members of the legal profession set their names. A layman will understand the insanity of the claim on the Lovat estates when I mention that prescription has run five times upon the present Lord Lovat's title, and that there have been irreversible decisions of the Court of Session and the House of Lords in favour of the family. All possible questions are "res judicata." Lord Lovat's agents knew who the claimant John Fraser was. He was a descendant of an illegitimate son of the Simon Lord Lovat who was beheaded in 1747. Simon was a fugitive in Stratherrick, after having been condemned to death in Edinburgh for treason and many other crimes. He there had a concubine named Mary Cameron, who went to Wales with her child. She was known there as Mary Cameral. Lord Lovat's agents held the most complete evidence of the descent of the claimant John

Fraser from Mary Cameral, but it was never necessary to produce it, as none of the claimants were ever able to establish the faintest shadow of a case.

Supposing, however, that any claimant were able to prove that he was a legitimate descendant of the Simon of 1745, this would be entirely futile, as Simon and all those of his blood were attainted and declared incapable of succeeding either to honours or lands. This attainder stands to this day, and can only be taken off by Act of Parliament. It has been twice relaxed by Act of Parliament, but only, first, in favour of General Simon Fraser, son of Simon of the '45, and second, in favour of Thomas Alexander Fraser of Strichen, and his descendants, now represented by the present Lord Lovat. Next, the British peerage of Baron Lovat of Lovat was conferred by the Sovereign upon Thomas Alexander Fraser of Strichen and his heirs male, and, of course, could never be claimed by any descendant of the Simon of the '45. That disposes of the British peerage. After the estates were granted by Parliament to General Simon Fraser for his military services in America, they were expressly settled by Deed of Entail on the Strichen family after General Simon himself and his own heirs, and the other blood relations of the beheaded Simon remained for ever excluded by taint of blood. The only thing that remains to any possible claimant is the old Scottish title of Lord Fraser of Lovat, dating, it is said, from 1426 or earlier. But this confers no right to sit in the House of Lords, although, if separated from the British peerage, it might confer a privilege to be elected as a Scottish representative peer. But here again the Act of Attainder excludes all mankind except the family of Strichen, which now rules at Beaufort. If any person should ever come forward again threatening to disturb the present family, the attempt, in my opinion, would be

criminal, and ought to be punished criminally, and from that opinion I do not exclude any members of my own profession who may have fallen so low as to aid in the attempt.

At the special request of the late Lord Lovat I spent several months in investigating the case put before the House of Lords. Death has removed other professional gentlemen who may have had equal opportunities of knowing all the facts, and, as perhaps the last survivor of those who were qualified to speak, I bear my testimony that no honest and sane claimant to the Lovat titles and estates can ever come forward again.—I am,
&c.,

WILLIAM BURNS.

THE LOVAT CLAIMANTS.

ALEXANDER FRASER, YOUNGER OF
BEWFORT.

Inverness, 2nd December 1907.

Sir,—When writing my letter on "Claimants to titles and estates," which was published in last Tuesday's "Courier," I was neither ignorant nor oblivious of the fact, to which also you were good enough to direct my notice, that John Fraser, the last claimant (1885), did not aver that he was descended, legitimately or illegitimately, from Lord Simon of the '45, but from his elder brother, Alexander, who, some time after the battle of Killiecrankie, had killed a fiddler at a dance at Teawig, near Beaulieu, and fled to Wales, and concealed himself in a mine there to escape trial for murder and also for rebellion against William of Orange. I shall immediately tell all that is now known of Alexander, but I shall, in the first place, show that John Fraser, the claimant of 1885, was the first of his family who alleged descent from Alexander. His pro-

genitors asserted they were descended from Lord Simon of the '45, but that position had to be abandoned because all Lord Simon's progeny were perfectly well known, and there could be no inheritance from or through him on account of his attainder. Archibald Campbell Fraser, the last surviving brother of General Simon Fraser (to whom the estates but not the honours were restored by Act of Parliament for his military services in America), having died in the year of Waterloo, John Fraser, of Wales, grandfather of the claimant of 1885, presented a petition to the King on 19th February 1831, in which he said—"Your Majesty's petitioner is the lineal descendant of Simon Fraser, Lord Lovat, who possessed considerable estates in the North of Scotland, but he, the said Lord Lovat, having taken an active part in the rebellion in the year 1745, was taken and beheaded, and his estates confiscated to the Crown, and his whole family dispersed." Of course, the family was not dispersed, but the claimant of 1831 desired to make out that he was a descendant of Alexander, second son of Lord Simon, who, however, the claimant of 1885 maintained was not his progenitor, and had died in 1762, unmarried, which was unquestionably true, and was admitted on all hands in the proceedings of 1885. The statement about the dispersion of Lord Simon's family was an ignorant blunder, not unlikely to be made by a labourer in Wales, which the John Fraser of 1831 admittedly was, but in fact Lord Simon's eldest son was appointed a King's Advocate, and appeared in that capacity at Inveraray in the trial and judicial murder of James Stewart of Appin in 1753. The story is told in R. L. Stevenson's novel, "*Catriona*." I happen to have the volume reporting the trial, published at the time, and reprinted a few days ago.

The petition of 1831 was entrusted by the petitioner to Sir Richard Bulkeley, a well-known Welsh baronet, who forwarded it to

Viscount Melbourne, the Home Secretary, with a somewhat apologetic note, dated 13th August 1831, in which Sir Richard said he "must inform Lord Melbourne, however, that he (Sir Richard) has seen various documents on the subject, and so far as he is able to judge, he is not of opinion that the petitioner's claim can be substantiated, as he has reason to believe that the petitioner's grandfather, Alexander Fraser, was a natural son of Lord Lovat's." I infer that Sir Richard Bulkeley knew about "Mary Cameral." Lord Melbourne declined to do anything. It will be remembered that he was Prime Minister in the first years of Queen Victoria, and that she bestowed upon him a confidence, and, indeed, affection, rarely granted to a Minister.

On 20th July 1832 the same John Fraser wrote to Lord Melbourne direct, referring to his application through Sir Richard Bulkeley, and another petition to Lord Brougham (who may then have been Lord Chancellor). In this letter John claims the Lovat estates "as a lineal descendant of the unfortunate Lord Lovatt." On 31st July 1832 Lord Melbourne's secretary wrote John that "his Majesty had not been pleased to signify any commands upon the subject" of his petition, and this "must be considered as final." That happened seventy-five years ago, nearly four times the period of prescription of titles to land, which is twenty years, and the least reflective person may measure the impossibility now of upsetting Lord Melbourne's decision. Of course, the allegation, repeated and insisted on, that John Fraser of 1831 and 1832 was a descendant of Lord Simon, was destructive to the story of 1885, that he was descended from Simon's eldest brother Alexander, yet the claim of 1885 was almost entirely based upon so-called family tradition coming from or through John of 1831-32. The petitions and letters I have quoted are extant now in the public record office in London, and were

produced and proved to the House of Lords in 1885.

I now return to the real Alexander Fraser, younger of Bewfort, who would have been Lord Lovat in 1715 and 1745 but for the remorseless indiscrimination of death. The claimant said that young Bewfort fled to Wales about 1689, and died there in 1776, when he must have been 113 or 114 years of age. It was my special province, in the proceedings in the House of Lords in 1885, to procure legal evidence of the authenticity of the death register or bill of mortality recording the death of young Bewfort discovered by Mr Biscoe of Newton, representative of the old family of Dunballoch, and I devoted myself exclusively to the work for months. I had, of course, to search in all quarters, and the church records—kirk-session, presbytery, and synod—proved the most valuable sources. But the Burgh Court books of Inverness and the minute books of the University of Aberdeen furnished their quota. Every notice of Alexander indicates that he was a young man not only of great promise, but in his brief life had worthily earned distinction and honour. In 1679 he was made a Master of Arts of Aberdeen. On 9th May 1683 he received the freedom of the burgh of Inverness, as is shown by the Court record which was produced to the House of Lords by Mr Kenneth Macdonald, town-clerk, on 24th June 1885. He led the Fraser clan in Dundee's Killiecrankie campaign of 1689, from which he did not return alive. In Nisbet's Heraldry, published in 1722, when many persons who knew him must have been living, it is said that "he died in his 25th year, universally lamented, being one of the brightest and every way best accomplished young gentleman that ever this noble family [of Fraser or Lovat] had at any time produced." This was a magnificent tribute, seeing Alexander was a scion of a family numbering in its ranks Sir Simon Fraser, the friend of

Wallace and Bruce, one of the martyr heroes of the War of Independence dubbed by Sir Walter Scott "the flower of chivalry." The battle of Killiecrankie was fought on 27th July 1689. The Highlanders followed General Mackay's beaten forces southward, but at Dunkeld found the Cameronian regiment in the Cathedral, and intrenchments round it. The Cameronians were stubborn "Westland Whigs" and Covenanters, with old grudges against the Highlanders, who had harried and murdered their kindred in the killing time. Dundee was dead, Lochiel had gone away in disgust, and an Irishman named Cannon had succeeded Dundee. The Cameronians fought splendidly, and beat off the assaults of the Highlanders, who dispersed to their homes. Alexander was probably wounded at Killiecrankie or Dunkeld. He was carried home by his clansmen in a basket-work litter, and died on 20th November 1689 and was buried at Kirkhill or Wardlaw, the family burying-place, on 3rd December 1689. The death register of the parish bears the following entry:—

"1689.

"Master Alexander Fraser, younger of Bewfort, died November 20, and was buried here at Kirkhill Dr. 3."

The register was accepted as authentic, and as evidence, by a unanimous judgment of the House of Lords, which can never be impugned. It was kept by the Reverend Magister James Fraser of Phopachy, author of the famous Wardlaw Manuscript, recently edited most admirably by Mr William Mackay for the Scottish History Society. No person skilled in such matters could have any doubt of its genuineness. Lord Bramwell, an authority, said on examining it, "There can be no doubt about this," and the other Lords agreed. The only criticism offered by the claimant's counsel was that the document was called a Bill-book of Mor-

tality, which was not a common name in Scotland for a death register. But I observe from the print of the Wardlaw Manuscript, page 3, that Phopachy speaks of the death register kept by the monks at Beaulieu as Bills of Mortality, and it was he that wrote the name on the Kirkhill document. Besides, he was a man of much learning, and had travelled for years over Europe, including England. He was, indeed, present at the installation of Oliver Cromwell as Lord Protector. Lord Simon, in recommending himself to the Court of the exiled Stuarts, at St Germain, said that his brother Alexander "died with Dundee." That was not strictly true, but would pass if he died from the effects of a wound received at Killiecrankie, which is probable enough. But certainly he died, and was buried in the year 1689, was never married, was never in Wales, and left no progeny. The claimant of 1885 had to make out that this great, noble, and accomplished Highland gentleman, whose scholarly handwriting was proved, who was a university graduate, a distinguished soldier, and almost a Prince, was the same as the Welsh miner who was working for sixteen pence a day in October 1776, at the age of 114, could not spell his own name, wrote like an illiterate man, was married at the age of 75 (to an heiress, forsooth, he being a labouring miner at sixteen pence a day), and had four children, the last being born when he was 95 years of age. Such things may be possible, but we have no authentic record of them in the history of mankind since the Flood.

The assertion that Alexander Fraser hid himself in a Welsh mine inferred an absence of practical sense on the part of the claimant's advisers. Their notion seemed to be that he would remain in the mine continuously day and night, and never come to the surface. But they proved that he was a householder, was married in a church (to an heiress they said), had his children baptised

in church, and attended the Wesleyan Chapel. Fancy young Bewfort, practically chief layman of the Inverness-shire Catholics, in the Wesleyan Chapel! But the assertion of concealment involved them in this ludicrous dilemma, of which some sport was made. If concealment was complete, the miner's identity with young Bewfort would be lost. Discovery or assertion of the identity involved forfeiture of life for slaying and treason. But the claimant's witnesses all said there was no concealment at all. Alexander Fraser retained that name in Wales, and signed it to the wage receipts weekly, spelling it "Ferezr," "Terser," and other original ways of his own, but never Fraser. He called himself Lord Lovat and Lord Fraser, and was known by these names, and being, as alleged, the first of the Fraser name ever heard of in Wales, he must have been easy to find by the myrmidons of the law. But nobody ever troubled him, as nobody had any reason to doubt that he was what he appeared to be, the miner son of Mary Cameral.

The story told by the claimant of 1885 about Alexander having killed a fiddler or piper who played a tune reflecting on his father Thomas of Bewfort, and fled to Wales to escape punishment, and also to evade the consequences of rebellion, and remained hidden in Wales for 87 years, is too silly for a children's story-book, and was shown by the claimant's own witnesses and by history and law to be utterly fantastic and incredible. The tune which gave offence was, according to James Fraser, Broallan, examined for the claimant on 16th September 1884, a reel tune called "Tha Biodag air Mac Thomais," and there were words sung to it of which this is a verse:—

Tha Biodag air Mac Thomais,
 Tha Biodag air Mac Thomais,
 Tha Biodag air Mac Thomais,
 'S qur math qu'm foghnadh squianda!

Fraser said that the tune did not apply to the Frases at all, but to the family of Applecross. But in fact the tune and the story were common all over the Highlands from Applecross to Argyll, and the story was told of at least half-a-dozen families. It varied in details, as such myths do. Sometimes a fiddler was killed, at other times a piper; some versions had it that not the piper but the pipe-bag was dirked, and one that the intention was only to silence the pipes, but the dirk was struck too recklessly, and pierced both bag and piper. The version of the claimant, sworn to in the House of Lords by his brother on 19th June 1885, was that the blow was accidental. Then why should Alexander have fled. On 17th June 1885 Lord Watson said—"One might have supposed that a man in the position of Alexander Fraser might have put his skean-dhu through all the fiddlers north of Perth without having to fly for it." But there is no trace of an accusation, and his judge, and, indeed, prosecutor, must have been his young first cousin Hugh 11th Lord Lovat, who was probably under his command at and after Killiecrankie, and at the very time the fiddler is said to have been killed, if Alexander killed him. But why fly at all? He was safer in his own country than anywhere else. When Simon got into trouble he went to Stratherrick, and there successfully defied the Government. But why remain in Wales for 87 years while his estates were possessed by others? Crimes, even murder, prescribe in 20 years, and he could have returned to Beaufort with perfect safety at any time at or after 1709. But what about rebellion and treason? These prescribe in three years under the statute of William of Orange himself, VII. 3.5. Dundee and his men were not rebels. It was the other way about. William was an invader, and in 1689 his Government was not yet fully established in the North. Alexander was never charged with rebellion, and William did not

then, or for years later, accuse his opponents of treason. The tale of Alexander's flight is of the same class as Jack the Giant Killer. He hid for days, or perhaps weeks, behind a big stone on the beach at Rhopachy, round which the tide flowed! Where he slept or got food was not suggested. When the childishness of this story appeared the stone was shifted to Clachnaharry, where at least he was safe from drowning. Around the stone there other myths have grown. For the claimant's story was a myth of which we can reconstruct the growth. The Welsh Alexander was a Lovat, although illegitimate. The relationship to Simon came to be spoken of by the family of miners, but the bar sinister was sunk. The names Lord Lovat and Lord Fraser were partly assumed and partly given as nicknames, till, I am satisfied, John Fraser of 1885 honestly believed in his case. At the period when Alexander, the miner, was born of Mary Cameron, nearly all England still believed that Monmouth was the illegitimate son of the second Charles and Lucy Walters, and was the true King, and thousands had staked their lives, and much blood was poured out in support of that opinion. But it was a myth.—I am, &c.,

WILLIAM BURNS.

LOVAT CLAIMANTS.

Inverness, Dec. 23, 1907.

Sir,—In your paper recently I noticed a letter from Mr Peter Anderson, of Aberdeen, regarding the claim of the Rev. Alex. Garden Fraser to the Lovat Peerage. Mr Fraser came home with his family from America in the early thirties of last century. They resided at Charleston, near Inverness,

and some of the older people of the town still rememehr the Frasers of New York, as they were called. They belonged to the Abertarff branch of the family, and the claim was then considered a very good one. I think it must have been an independent claim, as Mr Fraser lost all his private fortune in contesting it.

None of his descendants reside here now, as Mr Anderson seems to think, but one of his daughters still survives—the widow of the Rev. Mr Sinclair of Kenmore, a brother of the late Mr John Sinclair, some time of Broomhill, Inverness, who was well known in the North. Another of his family, Dr Alex. Garden Fraser, was a clergyman and devoted missionary of the Church of England in India. He died recently at a very advanced age, at the Calcutta residence of his distinguished son, Sir Andrew Fraser, the present Lieut.-Governor of Bengal.—am, &c.,

INVERNESSIAN.

LOVAT CLAIMANTS.

Inverness, 24th December 1907.

Sir,—There is a letter in to-day's "Courier" from "Invernessian," and there was another some days ago from Mr P. J. Anderson, of Aberdeen, regarding a supposed claimant to the Lovat estates and titles, named the Rev. Alexander Garden Fraser, sometimes called "New York." I am not aware that this man ever tabled a claim in any formal manner, but, if he did, it dwindled into nothingness and disappeared before my time. He never could have had the shadow of a case. "Invernessian" says the Frasers of New York, as they were called, "belonged to the Abertarff branch of the family, and the claim was then con-

sidered a very good one." This is just the kind of loose talk which lures a simple fool to risk any means he may have in trying to make out a claim; and it is very wicked talk. "New York" apparently, and John Fraser unquestionably, were thereby led to their ruin. It was a statement in Anderson's History of the Family of Fraser, p. 127, that Alexander of Bewfort, eldest brother of Simon, had killed a man and fled to Wales, which induced the claim of John Fraser in 1885. Anderson explains that "this incident is given on the testimony of Simon Fraser, natural son of Simon, Lord Lovat, who was examined judicially before the Sheriff-Substitute of Inverness upon the 15th of October 1823, on the family pedigree." But as Alexander admittedly disappeared, either to the grave or to Wales in 1639, the witness was speaking 134 years after the event, and, of course, his "evidence" was worthless, and it was proved to be untrue. But its repetition led to much misery, and to John Fraser's ruin. There never was any Abertarff branch of the family. Abertarff was purchased by Colonel Archibald Campbell Fraser, brother of General Simon—(Anderson, p. 165). He had five sons, who all died in his lifetime without leaving legitimate issue. All this was established by final and irrevocable legal judgment well nigh a century ago. The only Fraser of Abertarff who ever existed was Archibald Thomas Frederick Fraser, an illegitimate son of John Simon Frederick Fraser, son of Colonel Archibald. This A. T. F. Fraser died in March 1884, without leaving male issue, and the estate reverted to the present Lovat family in terms of Colonel Archibald's own settlements—(MacKenzie's History of the Frasers, p. 508). It is now incontrovertible that there does not exist any legitimate heir-male of the main Lovat stem nearer than the present family, and any person asserting that he is such an heir-male, bastardises and disgraces himself

and his family by the mere assertion. As I have before maintained, these claims to other people's established rights are infinitely mischievous, and should be discouraged even by criminal process. As an example of the evil, I recall an investigation made about 40 years ago in the neighbourhood of Megston. I came across evidence that either "New York" or John Fraser the first, called the "Bodach Beag," had borrowed considerable sums from small, credulous Lovat tenants on promises to grant them leases at cheap or nominal rents when he came into the estate. They were relieved of their savings, and, of course, never got a penny back.

But that we are told, on the best authority, that the heart of man is desperately wicked, it would be incomprehensible why many people take delight in seeing attacks made upon the property of their more fortunate fellows. It also arises from envy, the meanest and most despicable of all human passions.—I am, &c.,

WILLIAM BURNS.

LOVAT CLAIMANTS.

University Library, Aberdeen,
30th December 1907.

Sir,—There can be no doubt that the Rev. Alexander Garden Fraser had at least prepared a claim to the Lovat Peerage. A copy of his "Case, pp. 11, and folded pedigree," was priced in a recent Peerage Catalogue of P. S. King & Co., Parliamentary booksellers, but I failed to secure it.

I understand that the Rev. Alexander claimed descent from John, younger son of Simon. Can Mr Burns say when and where this John died?—I am, &c.,

P. J. ANDERSON.

LOVAT CLAIMANTS.

Inverness, 1st January 1908.

Sir,—In letters in Tuesday's "Courier" from Mr P. J. Anderson and Mr Murray Rose, it is mentioned that the Rev. A. Garden Fraser claimed to be descended from John Fraser, younger brother of Lord Simon, and Mr Anderson asks if I can say when and where this John died. Major Fraser, Castle Leathers, and Simon entered into a reference to settle some money questions between them, the Baron of Kilravock being oversman. At p. 120, Vol. II., of the Major's story, he says—"The Major gave in his claim craving of Lord Lovat to pay board for his brother Mr John, who was 27 weeks, with his servant, at the Major's house incognito, when the Major was at France seeking my Lord home. And 2 do., the Major craved that he should be considered for Mr John's expenses, who lay 9 weeks at his house in the year 1716, with a great confluence of people about him, and doctors attending him till *he dy'd there.*"

The arbiters were in favour of the Major, "but named no sum, so that this affaire is a-sleeping to this day, and for ought I know will do till the day of judgment." The editor, Col. Fergusson, at p. 192, Vol. II., prints a letter from Simon to Lord Elchies, dated 18th April 1735, in which, speaking of John Grant of Dalrachny, who was Bailie of the Regality of Grant, Simon says—"If it was possible for my brother John to *rise from the dead* and put in for Dalrachny's post, I would stand by Dalrachny against my brother." This letter was produced to the House of Lords in 1843 in proof of John's death in 1716. In an appendix Col. Fergusson prints a Lovat pedigree, 1591-1782, with this entry—"John, 'The Chevalier Fraser,' died April 1716." He was known as the Chevalier Fraser when in France with

Simon. There are other pieces of evidence mentioned in Mackenzie's History of the Frasers, p. 245; and of course the grandfather of the present peer had to prove to the satisfaction of the Committee of Privileges that John left no male issue. He was never married, never stabbed a Chisholm in a quarrel, and never fled to England. This is the same Will o' the Wisp that enticed the Welsh claimant to his ruin. Even if John had killed a hundred Chisholms in 1715, he was freed from trial by the twenty years' prescription of crimes in 1735, when Simon, for whom he had performed great services, and who was devotedly attached to him, would have received him with open arms. Simon, in his letter to Elchies, can find no stronger way of expressing his regard to Dalrachny than by saying he would have preferred him to his brother John.

The people who got up Garden Fraser's case must have been almost miraculously ignorant of the pride of rank of the Highland nobility two centuries ago. Fancy the Chevalier, who was of as blue blood as any subject in Scotland, or even in Europe, and who had mixed on equal terms with the highest nobility in France, working as a cooper in Greenock. Nobody out of an asylum could believe it. It was customary when speaking to a man of rank for a working man to apologise even for mentioning such an ignoble creature. The phrase was, "By your lordship's leave," or "By your Honour's leave—a weaver." The Chevalier was born about 1674, so that if he lived till 1772 he was 98 years of age when he died. This is not so startling as the 114 years of the Welsh claimant's progenitor, but it is a bit unusual, and it is curious that in both cases the claimant was compelled to resort to an enormous longevity to get the known or partly known facts fit in at all. Both claims were too preposterous for the weakest human credulity.—I am, &c.,

WILLIAM BURNS.

SIMON LORD LOVAT AND ABERDEEN
UNIVERSITY.

University Library,
Aberdeen, 12th January 1908.

Sir,—I venture to worry Mr Burns with yet another query. What was the year of Simon's birth?

My desire for information on this point arises partly from my natural interest in all that concerns an Alma-Maternal brother; partly from an inaccurate interpretation being placed by the editor of "Major Fraser's Manuscript" on extracts supplied by me from the Aberdeen University registers. Colonel Fergusson writes (Vol. II., p. 156)—

Very recently, however, unexpected light has been cast on this subject. Mr P. J. Anderson, secretary of the New Spalding Club, has discovered a fragmentary register of entrants and graduates at Aberdeen University from 1668 to 1687, which is interesting chiefly from the fact that in it appears mention of Simon Fraser of Beaufort, and his elder brother Alexander, who died young. The entries in the University records, copies of which Mr Anderson has kindly sent to me, run thus:—

'Anno 1678. In album Collegii regii
 recepti sunt . . . Alex-
 ander Fraser de Beaufort. . . '

'Anno 1679. In album. . . hisce
 accesserunt anno secundo Alexan-
 der Fraser de Bewfort, Simon
 Fraser ejusdem frater.'

'Anno 1683, Maii 25. . .
 Allexr. Fraser.
 Simon ffraser.'

"The last two names are autographs appended to the Oath of Allegiance subscribed

each year by all 'scholars graduate in the said College.' It thus appears that Alexander was a student of the first year in 1678-79, and of the second year in 1680-81 (not 1679-80), when he was joined by his younger brother Simon; and that both brothers took the degree of M.A. in 1683."

The editor has inadvertently run together extracts from different records, and has drawn wrong inferences. In 1683 entries are taken from the "fragmentary register" which I discovered, but the 1678 and 1679 entries are taken from "Album A" of the College, the contents of which were printed by the late Professor Innes in his "Fasti Aberdonenses" (Spalding Club, 1854). If Mr Burns will kindly look at p. 500 of that book (which I presume is in the Inverness Public Library) he will see that the 1679 entry should read, not as quoted by Colonel Fergusson, but—

"Hisce accesserunt anno secundo
Alexander Fraser de Bewfort,
Galielmus Fraser filius domini de
Belladrum.
Simon Fraser ejusdem frater."—

A version which at once disposes of the view that this Simon (who also signs the "fragmentary register" in 1683) was afterwards the peer, and of Colonel Fergusson's argument in favour of 1667 as a probable date of the birth.

In point of fact, Simon of Beaufort did not enter King's College until 1691, when, as he himself states ("Major Fraser's MS.," II., p. 199), his regent was George Fraser, "then Sub-Principal, who was one Relation"; and when he was a class-fellow of the celebrated Thomas Ruddiman (Chalmers' Life of Ruddiman," p. 14), with whom he graduated M.A. in 1695. The printed Theses maintained by the candidates in 1695 are extant, and have Simon's name ap-

pended. See my "Roll of Alumni of King's College" (Aberdeen University Studies, 1900), pp. 47-48.

The age of entrants at King's College in the end of the 17th century varied from 12 to 16. Ruddiman was 16, but lairds' sons, who were usually accompanied by a tutor or "governour," came at an earlier age. Hence it is unlikely that Simon's birth could have been before 1675.—I am, &c.,

P. J. ANDERSON.

P.S.—Yet another query. How was Sub-Principal George Fraser related to Simon. He is styled "Moraviensis" at entrance to the College in 1663 ("Roll of Alumni," p. 26).

SIMON LORD LOVAT AND ABERDEEN UNIVERSITY.

Inverness, 14th January 1908.

Sir,—Mr P. J. Anderson, in to-day's "Courier," ventures to "worry" me with a question regarding the year of Simon's birth. This is an old puzzle which I cannot at present solve, but I can provide some references which Mr Anderson may follow up if he will. Simon's parents were married in April 1665 (Wardlaw MS., p. 461). They had fourteen children, of which Simon was the second (Anderson's Family of Fraser, p. 119). At page 467 of the Wardlaw MS., the author laments that the family of Fraser is dying out. "Thomas Beaufort's children dropping off as they are born." In 1671 the lament of want of offspring is renewed, with an incidental mention of Thomas of Beaufort (Wardlaw MS., 497-8). I infer that probably there were then no surviving sons of his family, and that Simon was not

born before 1671. Anderson (p. 128) gives some references to the *Memoirs and the Life*, but these are unreliable. Hill Burton (p. 1) says Simon was born about the year 1676, accepting as sufficiently accurate the statement he made on his trial, "I am now [1747] four-score years of age" (Report, p. 162). Burton obviously transposed the figures 7 and 6, and meant 1667 if my elemental arithmetic is not astray. But the Halkirk letters throw a new element into the problem. For, in writing to the Earl of Stair on 18th August 1745, Lord Lovat said, "I am now sixty-eight years old, and have been near fifty years in the army and at Court" (*Transactions of the Gaelic Society of Inverness*, Vol. 14, p. 8). On 28th November 1745 he writes to Lord Loudon, "I will defend myself tho' I am 68 years old."

In Lord Lovat's letter to the Duke of Cumberland of 22nd June 1746, written at Fort-William shortly after his capture, he speaks of "old and very infirm men like me, pass'd 70." The full letter is at p. 274 of the *Life* attributed to "Arbuthnot." This would make him 70 at his execution, and his birth in 1677. If he graduated in 1695 he would then have been eighteen, which is more like the truth than the other theory.

Mr Anderson may possibly discover Sub-Principal George Fraser in the fourth son of Hugh Fraser, third of Belladrum, mentioned in Mackenzie's *History of the Frasers*, p. 627, as "George, Principal of one of the Aberdeen Colleges." The dates would not be discordant, but I am only offering a suggestion. Simon and this George of Belladrum were both descended through males from the fourth Lord Lovat. The degree of Scotch cousinship could be computed were that worth while.—I am, &c.,

WILLIAM BURNS.

THE REV. ALEXANDER GARDEN
FRASER.

ACTION OF 1843.

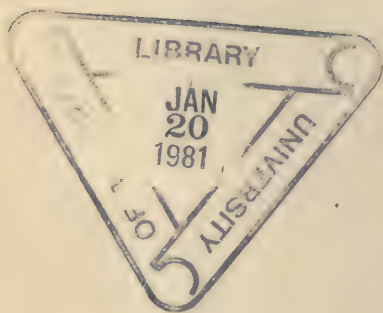
In looking over a volume of the "Courier" the other day, we found in the issue of 1st February 1843 a report of a case described as "Advocation of Brievies: Lord Lovat the Rev. Alexander Garden Fraser, some time of New York." The report begins as follows:—

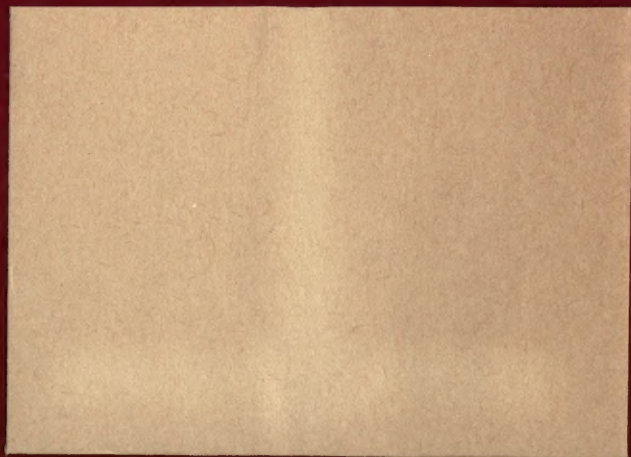
"This case, which has excited a good deal of talk for some time past in the North, came on for trial in Edinburgh on Saturday week, before Lord Cunninghame and a jury. It was concluded on Monday. The allegation of Mr Fraser was that he is the grandson of John Fraser, who died in Greenock in the year 1765, and that this John Fraser was the younger brother of Simon, the attainted Lord Lovat. He therefore maintained that he was a nearer relative of the Lovat family than the present Lord Lovat. He made no appearance in the service. Lord Lovat put in a great mass of evidence in support of his own pedigree, and to disprove the statements of Mr Fraser. These documents established that this Mr John Fraser could not have been the brother of Simon Lord Lovat; for the grandfather of the claimant was a cooper in the town of Lancaster, and, according to the claim, died and was buried in Greenock in 1765, whereas Lord Lovat's brother died at Inverness in 1716, and was buried at Kirkhill. Direct testimony of the death and burial of the real John Fraser was adduced from the charter chests of the Duke of Sutherland, Culloden, and a variety of other sources."

Lord Cunninghame, in his charge to the jury, briefly recapitulated the facts. He

told the jury that they had evidence, "showing most conclusively that John Fraser, the brother of the attainted lord, died in the year 1716, and not merely proving the date and manner of his death, but even the very circumstances of his burial." He also pointed out the differences in the signatures of the two John Frasers—"Two signatures more dissimilar it is impossible to conceive." The jury without hesitation brought in a unanimous verdict in favour of Lord Lovat.

The report of the case, it will be seen, fully corroborates Mr Burns's statements, and gives one or two additional particulars. The death of Lord Simon's brother John in 1716 was proved with the most absolute completeness.





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